

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.12745 of 2016

R.Govindasmay

... Petitioner

Vs.

1.The Director cum Special Officer
Tamilnadu Boodhan Board
Ezhilagam, Chepauk,
Chennai - 600 005.

2.The District Collector,
Coimbatore, Coimbatore District. ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to consider his representation dated 24-09-2014 with regard to assignment of 1.46 acres of land comprised in S.Nos.32/1 (1.18 acres), 32.6 (0.06 acres) and 32/2B (0.22 acres) and situated in Singanallur Village, Coimbatore (South) Taluk, Coimbatore District.

For Petitioner : Mr.P.Rajendran

For Respondents: Mr.V.Jayaprakash Narayanan
Special Government Pleader

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By consent, the writ petition is taken up for final disposal.

2.The present writ petition has been filed seeking a Mandamus directing the first respondent to consider his representation dated 24.09.2014 with regard to assignment of 1.46 acres of land comprised in S.Nos.32/1 (1.18 acres), 32.6 (0.06 acres) and 32/2B (0.22 acres) and situated in Singanallur Village, Coimbatore (South) Taluk, Coimbatore District.

3.In the petition it is stated that the 'Boodhan Yagna Movement' was launched by Boojya Acharya Vinobha Bhawe with the object of accepting the lands donated by the Philanthropists and

landlords with a generous intention of distributing such lands to the landless poor with certain conditions. The Tamil Nadu Boodhan Yagna Act, 1958 was enacted and as per the said Act, the lands donated by third parties shall be distributed to the landless poor and for community purpose.

4.It is further stated that an extent of 1.46 acres of Boomidhan land comprised in S.Nos.32/1 (1.18 acres), 32.6 (0.06 acres) and 32/2B (0.22 acres) and situated in Singanallur Village, Coimbatore (South) Taluk, Coimbatore District were assigned to one Mr.Krishnasamy Naidu of Ondipudur, Coimbatore and the said Krishnasamy Naidu did not cultivate the said land nor pay the land tax as per the conditions. Hence, the petitioner submitted an application requesting for assignment of the said land to him since he is a landless poor.

5.It is further stated that in anticipation of the permission from the Boomithan Board, the Boomithan Inspector, Coimbatore instructed the Village Administrative Officer, Singanallur to permit the petitioner to cultivate the said land so that the land does not become barren and to ensure that none else enters the said lands. The said instructions were issued on 20.08.1996 and the copy of the same was also issued to the petitioner. Thereafter, the petitioner is in possession of the said lands and cultivating the same, since 1996.

6.It is further stated that the petitioner made several representations to the respondent to assign the said lands to him. In this regard, reply was sent by the Collector, Coimbatore on 11.01.2001 stating that action to assign the said land to the petitioner would be taken after the receipt of orders from the Special Officer, Tamil Nadu Boomithan Board and Director of Rural Development. Thereafter, the Village Administrative Officer, Singanallur conducted a field inspection on 23.01.2006. In the village records, the petitioner is shown as the person cultivating the said lands. Even though, 15 years have elapsed after reply from the Collector, Coimbatore stating that, action to assign the said land to the petitioner would be taken after the receipt of orders from the Special Officer, Tamil Nadu Boomithan Board and Director of Rural Development, no action has been taken so far. Hence, the petitioner made a representation dated 24.09.2014 to the respondent in this regard. Even that has not been considered so far. Hence, the petitioner has come forward with this petition.

7.Heard the submissions of the learned counsel appearing for the petitioner and the learned Special Government Pleader.

8.Considering the submissions made on either side, this Court directs the petitioner to give a copy of the representation dated 24.09.2014 along with a copy of this order to the respondents, within a period of one week from the date of

receipt of a copy of this order and the respondents on receipt of the same, is directed to consider the same and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks thereafter.

9.The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1.The Director cum Special Officer
Tamilnadu Boodhan Board
Ezhilagam, Chepauk,
Chennai - 600 005.

2.The District Collector,
Coimbatore, Coimbatore District.

+1cc to Mr.P. Rajendran, Advocate, S.R.No.21614

+1cc to the Government Pleader, S.R.No.21716

KJI (CO)
EU(25/04/2016)

सत्यमेव जयते

W.P.No.12745 of 2016

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