



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 26.04.2016

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THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P(MD)No.17243 OF 2015 & M.P(MD)Nos.1 to 3 of 2015

Amirthakani

..Petitioner

-Vs-.

1.The District Collector,
Madurai District.

2.The District Revenue Officer,
Madurai District.

3.The Revenue Divisional Officer,
Madurai.

4.The Tahsildar,
Madurai South Taluk,
Madurai.

..Respondents.

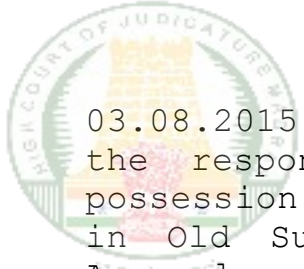
Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records of the third respondent's impugned proceedings in Na.Ka.No.14752/2007/C dated 03.08.2015 and quash the same as illegal and consequently forbearing the respondents in any manner interfering with the peaceful possession and enjoyment of the petitioner's plot No.11 comprised in Old Survey No.994/1A, Ward No.5, Block No.33, T.S.No.116, Arappalayam Main Road, Madurai-625 016 and to pas such further orders as this Court may deem fit and proper.

For Petitioner :Mr.M.Natarajan

For Respondents :Mr.J.Gunaseelan Muthiah
Govt. Advocate.

ORDER

The petitioner has filed this Writ Petition for a Writ of Certiorarified Mandamus to call for the records of the third respondent's impugned proceedings in Na.Ka.No.14752/2007/C dated



03.08.2015 and quash the same as illegal and consequently, forbear the respondents in any manner interfering with the peaceful possession and enjoyment of the petitioner's plot No.11 comprised in Old Survey No.994/1A, Ward No.5, Block No.33, T.S.No.116, Arappalayam Main Road, Madurai-625 016.

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2. The learned Government Advocate appearing for the respondents submitted that the petitioner is the wife of the allottee of a Government servant. The grant of the land was given in the name of the wife. The petitioner's husband is a Government servant. Therefore, the authority issued a notice to fix the value of the land. They have challenged the same by way of another writ petition which is pending.

3. The present case is concerned, he has not utilised the property for putting up the construction. Whereas he is utilizing the property as a workshop and utilised for granite unit and is purely put to commercial use which cannot be done under law. Whether he can be allowed to claim the benefit of one cent of land, especially, when the husband is a Government servant, is rightly rejected. Hence, I do not find any reason to interfere with the impugned order.

4. Therefore, this writ petition is dismissed. No costs. Consequently, the connected Miscellaneous petitions are dismissed.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

gsr

To

1.The District Collector, Madurai District.

2.The District Revenue Officer, Madurai District.

3.The Revenue Divisional Officer, Madurai.

4.The Tahsildar, Madurai South Taluk,
Madurai.

+1CC to Spl.Government Pleader Sr.No.24675

GJM/ARK/PV/28.6.16-2p-6c

**W. P (MD) No.17243 OF 2015
and MP (MD) No.1 to 3 of 2015
26.04.2016**