



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.323 of 2015

1.P.Manickavasagam

2.C.Nallu

...Petitioners

Vs.

1.The District Collector,
Madurai.

2.The Tahsildar,
Madurai North Taluk,
Madurai.

3.The Deputy Tahsildar,
Office of the Collectorate,
Madurai.

4.The Revenue Officer,
Chatrapatti,
Madurai.

5.Rameswari

6.Andal

...Respondents

(R-5 and R-6 are impleaded vide court order
dated 02.11.16 in W.M.P.(MD).No.12824/2016)

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent to take stringent action against the 2nd respondent for passing the order dated 30.08.2014 in proceedings Na.Ka.No.13713/13/AA1 in the names of non-existent persons in respect of the property comprised in S.No.15/2, Manjampatti Village, Madurai District classified as Natham Poromboke in connivance with respondents 3 and 4 and consequently direct him to allot the same to landless poor on the basis of the representation dated 07.07.2014, 30.07.2014.

For Petitioners

For Respondents

: Mr.R.G.Shankar Ganesh

: Mr.R.Anandharaj
Government Advocate
for RR-1 to 4

Mr.P.Arun Jayatram
for RR-5 & 6

Mr.P.Mahendran
intervenor for
freedom fighters

ORDER

The petitioners have filed this Writ Petition for directing the first respondent/District Collector, Madurai to take stringent action against the second respondent/Tahsildar, for passing the order dated 30.08.2014 in proceedings Na.Ka.No.13713/13/AA1 in the names of non-existent persons in respect of the property comprised in S.No.15/2, Manjampatti Village, Madurai District classified as Natham Poromboke in connivance with respondents 3 and 4 and consequently direct him to allot the same to landless poor on the basis of the representation dated 07.07.2014 & 30.07.2014.

2. According to the petitioners, they are the residents of Chatrapatti Village and an extent of 4.50 acres of Sy.No.15/2 in Manjampatti Village is classified as Natham Poromboke in Government records and the Government has decided to allot two cents of land each to 21 freedom fighters. Now, in respect of the remaining lands, patta has been granted in favour 100 persons by the second respondent and according to the petitioner, those 100 persons in whose favour patta was granted are not the persons residing in the village. They have given a false affidavit and obtained patta. The second respondent has also misused his power and granted patta. In the above circumstances, the petitioner wants the first respondent to take action against the second respondent.

3. Today, the second respondent filed a status report stating that the above pattas have been granted to 60 encroachers, who have earlier encroached the water body in Thiruppalai Village, as alternative site, in Sy.No.68/2 of Manjampatti Village, pursuant to the order passed by this Court in W.P.(MD).No.1228 of 2008 and the petitioners herein try to keep the above said water body under their control and thereby prevent the other eligible persons from occupying the lands assigned to them. The petitioners earlier filed a Public Interest Litigation before this Court and subsequently, the same was dismissed as withdrawn. Originally, the land in question was classified as 'un-assessed waste', subsequently, the District Collector, Madurai, by way of a proceedings dated 09.12.2011, changed the classification of the said land to 'Natham' for the purpose of granting assignment to house-less poor people. 40 families have constructed houses in the plots assigned to them in S.No.15/2, Manjampatti Village and in the event of any violation of any order of assignment, the respondent would take steps to cancel the assignment.

4. Heard the submissions made on either side and perused the material documents carefully.

5. As per the counter filed by the second respondent, house sites have been granted by the second respondent only based on the order passed by the first respondent dated 09.12.2011.



6. Considering the above facts and circumstances of the case, it is seen that it is not an unilateral order passed by the second respondent. Apart from that, there is no substantial allegations against the second respondent that the second respondent was acting with *malafide* intention. In the above circumstances, this Court is of the view that there is no merit in the writ petition and the same is liable to be dismissed. Accordingly, the writ petition is dismissed. Consequently, connected miscellaneous petition is also dismissed.

7. At this stage, Mr.P.Mahendran, learned counsel appearing for the freedom fighters submitted that 21 freedom fighters were also allotted house sites in Sy.No.15/2 in Manjampatti Village, Madurai District and in view of the pendency of the writ petition, the District Collector, Madurai has not granted any aid to the freedom fighters.

8. In view of the above submission made by the learned counsel appearing for the freedom fighters, even though this writ petition is dismissed, this Court directs the District Collector, Madurai to grant other benefits to those 21 freedom fighters, for which they are entitled to.

9. There shall be no order as to costs.

Sd/-

Deputy Registrar(Lok Adalat)

/True Copy/

Sub Assistant Registrar(CS)

To

1.The District Collector, Madurai.

2.The Tahsildar, Madurai North Taluk, Madurai.

3.The Deputy Tahsildar, Office of the Collectorate,
Madurai.

4.The Revenue Officer, Chatrapatti, Madurai.

+1cc to Mr.P.Arun Jayatram, Advocate in SR.No.71206

1cc to Mr.P.Mahendran, Advocate in SR.No.71195

1cc to Mr.R.G.Shankar Ganesh, Advocate in SR.No.71562

1cc to the Special Government Pleader in SR.No.71644

W.P(MD)No.323 of 2015

22.11.2016

vs

PBK/PV/27.12.2016::P4-C9:

<https://hcservices.ecourts.gov.in/hcservices/>