



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.11.2016**

CORAM:

THE HONOURABLE MR.JUSTICE **S.NAGAMUTHU**
AND
THE HONOURABLE MR.JUSTICE **M.V.MURALIDARAN**

W.P. [MD].No.21230 of 2016

Natarajan : Petitioner

Vs.

1.The Secretary to Government of Tamil Nadu,
Revenue Department,
Fort St. George,
Chennai.

2.The Additional Chief Secretary/
Commissioner of Land Administration,
Chepauk,
Chennai-08.

3.The Collector,
Theni District,
Theni.

4.The District Revenue Officer,
Collectorate, Theni.

5.The Tahsildhar,
Theni District,
Theni.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 3 to 5 to implement the direction given by the respondent No.2 in Letter No.F2/18936/2011, dated 25.06.2014 by following the report filed by the respondent No.4, dated 11.06.2016 by considering the petitioner's representation dated 27.08.2016.

For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.T.R.Janarthanan,
Additional Government Pleader



O R D E R

[Order of the Court was made by **S.NAGAMUTHU, J.**]

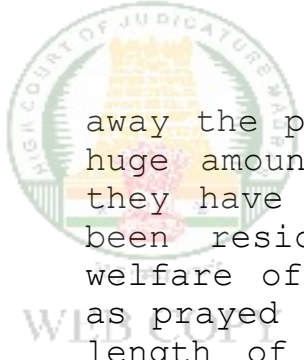
The petitioner has come up with this Writ Petition seeking a direction to the respondents 3 to 5 to implement the direction given by the second respondent in Letter No.F2/18936/2011, dated 25.06.2014, by following the report filed by the Revenue Divisional Officer, dated 11.06.2016.

2. This Writ Petition has come up today for admission. We have heard the learned counsel for the petitioner and the learned Additional Government Pleader, taking notice for the respondents. We have also perused the records carefully.

3. It is seen from the records that the lands comprised in Survey Nos.476, 746, 747, 748 and 749, were assigned to various beneficiaries in the year 1973. It is stated that subsequently, the beneficiaries have sold away the assigned lands to various parties for valuable consideration. The purchasers, who are around 44 in numbers, have also made constructions on these properties spending several lakhs of money and they have been occupying the same for several years.

4. The petitioner, who claims to be an Association known as 'Theni Taluk Gramma Pothumakkal Nala Sngam', earlier made a representation to the District Collector to resume those lands by cancelling the assignments on the ground of violation of the conditions. Since no action was taken, the petitioner filed a Writ Petition in W.P.(MD)No.633 of 2008 before this Court, seeking a direction to resume the lands in question. A Division Bench of this Court, by order dated 31.03.2008, declined to issue any such direction, instead, directed the Sub-Collector, Periyakulam, to hold enquiry and submit a report, within six months. It appears that the District Collector, Theni, thereafter, sought for clarification from the Government. The Government, under Letter No.F2/18936/2011, dated 25.06.2014, which is impugned in this Writ Petition, has made certain clarifications also. Thereafter, the Revenue Divisional Officer has completed enquiry, wherein he has stated that about 58 persons have purchased these lands from the beneficiaries few decades ago and by spending huge sum, they have constructed houses and they have been living there. The Revenue Divisional Officer has further stated that if they are, at this stage, evicted, it may result in disturbance to the peace and tranquility in that area. Thus, according to the District administration, the lands cannot be resumed. The petitioner is aggrieved by the same.

<https://hcservices.courts.gov.in/hcservices/> considered view, though it may be true that the beneficiaries, who got the assignments in the year 1973, have sold



away the properties to various persons; the purchasers have spent huge amount, running to several lakhs for purchasing the lands; they have subsequently constructed pucca buildings and they have been residing there, the Government, being interested in the welfare of the people, cannot be expected to take such an action as prayed for, so as to disturb the peace and tranquility at this length of time i.e., after more than four decades to unsettle everything.

6. In such view of the matter, we fully concur with the view of the District administration and, therefore, we are unable to grant the relief as prayed for in this Writ Petition. The Writ Petition is, accordingly, dismissed. No costs.

Sd/-

Assistant Registrar(Crl.side)

/True Copy/

Sub Assistant Registrar

To

1.The Secretary to Government of Tamil Nadu,
Revenue Department,
Fort St. George,
Chennai.

2.The Additional Chief Secretary/
Commissioner of Land Administration,
Chepauk,
Chennai-08.

3.The Collector,
Theni District,
Theni.

4.The District Revenue Officer,
Collectorate, Theni.

5.The Tahsildhar,
Theni District,
Theni.

+1 cc to Special Government Pleader Sr.No.66323

Order made in
W.P. [MD].No.21230 of 2016
Dated: 04.11.2016

SMA/KM/18.11.2016:3P/7C