



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.11.2016

CORAM:

THE HONOURABLE DR.JUSTICE **S.VIMALA**

W.P (MD) No.21836 of 2016

V.Swaminathan,
President,
IND No.1830, Kombai Adi-Dravidar Brick Workers Industrial
Cooperative Society,
Thiru.Vi.Ka.Street,
Kombai, Kombai Post,
Uthamapalayam Taluk,
Theni District.

: Petitioner

Vs.

1.The Commissioner of Land Administration,
Ezhilagam, Chepauk, Chennai - 600 005.

2.The Principal Secretary / Industries Commissioner
and Director of Industries and Commerce,
SIDCO Corporate Building,
Thiru.Vi.Ka.Industrial Estate,
Guindy, Chennai - 600 032.

3.The District Collector,
Theni District, Theni.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent, i.e., the Commissioner of Land Administration, Chennai to take action for passing appropriate orders on merits and in accordance with law on the letter R.C.No. 29662/ICN/2011, dated 19.05.2014 of the second respondent i.e., the Principal Secretary/ Industries Commissioner and Director of Industries and Commerce, Chennai, since the issue involved in this case is the welfare of the members of Kombai Adi Dravidar Brick Workers Industrial Cooperative Society.

For Petitioner

: Mr.S.Visvalingam

For Respondents

: Mr.A.Muthukaruppan,
Additional Government Pleader.

**ORDER**

This writ petition has been filed for issuance of a Writ of Mandamus, directing the first respondent, the Commissioner of Land Administration, Chennai to take action by passing appropriate orders in accordance with the proposal sent by the second respondent i.e., the Principal Secretary/ Industries Commissioner and Director of Industries and Commerce, Chennai.

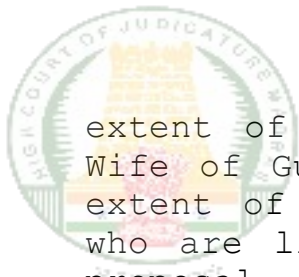
2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who took notice for the respondents. By consent, the writ petition itself is taken up for final disposal.

3. The facts leading to the filing of this writ petition are as follows:

A piece of land measuring 2.35 acres in Survey No.889 of Kombai (West) Village was originally assigned in the name of one M.Vedhabothagam, who belonged to Scheduled Caste. After his demise, his legal heirs sold the above said land to Kombai Adi Dravidar Brick Workers Industrial Cooperative Society (hereinafter referred to as 'society'), which is meant for the welfare of the scheduled caste persons, as per the registered document No.4514/1994 of Thevaram Sub Registrar Office, dated 23.09.1994 and patta was also granted in the name of the Secretary of the Socety in patta No.1536. But, without verification of the above facts, the District Revenue Officer, Theni cancelled the assignment in favour of the vendor Vedhabothagam and ordered that possession must be restored to the Government, as per his proceedings dated 28.08.2000, on the ground that the land in question, which is meant for Panjami (Adi-Dravidars), has been sold to non-scheduled caste person. The reasons stated by the then District Revenue Officer, Theni are not correct. But, factually the land was sold by the legal heirs of original assignee to the society.

3.1. In the above said situation, as per the petitioner's letter dated 07.02.2014, the General Manager, District Industries Centre, Theni has sent a detailed report to the second respondent, namely, Principal Secretary / Industries Commissioner and Director of Industries and Commerce, Chennai for taking action for the restoration of the above said land in the name of the Socety. On receipt of the letter dated 28.03.2014, the Commissioner and Director of Industries and Commerce, Chennai has sent a letter dated 19.05.2014 to the first respondent, Commissioner of Land Administration, Chennai, requesting to take action to restore the land in the name of the Socety. The said letter has been kept pending in the office of the first respondent, without taking a final decision. Therefore, this writ petition has been filed.

4. The learned Additional Government Pleader would submit that the report submitted by the Village Administrative Officer, Kombai (West) Village, dated 31.10.2014 to the Revenue Divisional Officer, Uthamapalayam, the land in S.F.No.889 to an



extent of 2.35 acres is already in possession of one Karpagam, Wife of Gurusamy and one Muthammal, Wife of Suramanian and some extent of land belongs to Government and therefore the parties, who are likely to be affected, in the event of considering the proposal, dated 19.05.2014, is to be considered.

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5. Under such circumstances, the first respondent is directed to consider the proposal submitted by the second respondent dated 19.05.2014 and after giving opportunity of hearing to Karpagam, Wife of Gurusamy and Muthammal, Wife of Suramanian, who have been referred to in the report submitted by the Village Administrative Officer, Kombai (West), dated 31.10.2014, pass a reasoned order on merits and in accordance with law, within a period of eight weeks, from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

smn

To

1. The Commissioner of Land Administration,
Ezhilagam, Chepauk, Chennai - 600 005.

2. The Principal Secretary / Industries Commissioner
and Director of Industries and Commerce,
SIDCO Corporate Building,
Thiru.Vi.Ka. Industrial Estate,
Guindy, Chennai - 600 032.

3. The District Collector,
Theni District, Theni.

+1cc to Mr.S.Visvalingam Advocate Sr.No. 69239

+1cc to Spl.Government Pleader Sr.No. 69766

JAM/01.12.16/SS 2 /3p-6c

**ORDER MADE IN
W.P(MD) No.21836 of 2016
16.11.2016**