



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.09.2016

CORAM:

WEB COPY

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

W.P.[MD].No.3734 of 2013
and
M.P.(MD).No.1 of 2014

S.P.Semban

.. Petitioner

Vs.

1.The State of Tamil Nadu,
rep. by its Revenue Secretary,
Department of Revenue,
St. George Fort, Chennai - 600 009.

2.The Principal Secretary and
Commissioner of Land Administration,
Chepauk, Chennai.

3.The District Collector,
Dindigul District, Dindigul.

4.The District Revenue Officer,
O/o.the District Revenue Office,
Dindigul District.

5.The Tahsildar,
Vedasandur Taluk,
Dindigul District.

6.The Executive Officer,
Ayyalur Town Panchayat,
Ayyalur, Dindigul District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the respondents resulting in the 1st respondent's impugned order dated 01.06.1978, passed in G.O..Ms.No.1299, Revenue Department and quash the same and consequently direct the respondent Nos.1 to 5 to ensure that there should not be any encroachment in the land in Survey No.935/1A to an extent of 90 acres and 70 cents where the Dhumminikulam Tank is situated by surveying the total extent of Dhumminikulam Tank in



order to keep the entire extent of land as mentioned in Village Account free from all encroachment and to remove the encroachment made in Survey No.935/1A by the 6th respondent.

For Petitioner : Mr.V.R.Venkatesan

For respondents 1 to 5 : Mr.M.Govindan,
Special Government Pleader

For 6th respondent : Mr.G.Muthukannan

O R D E R

[Order of the Court was made by M.V.MURALIDARAN, J.]

The petitioner has come up with this Writ Petition under the guise of a Public Interest Litigation challenging G.O.Ms.No.1299, Revenue Department, dated 01.06.1978, wherein the Government had transferred the title for two acres of land in Survey No.935/1A2 (newly subdivided) at Ayyalur Village, Vedachandur Taluk, Dindigul District, to the Ayyalur Town Panchayat for construction of a bus-stand on collection of land value of Rs.9899.30, based on the market value in 1975.

2.According to the petitioner, the land comprised in Survey No.935/1A2 has been classified as a "Tank promboke" of Dumminikulam Tank, which is the irrigation source for the ayacutthars in the village. Thus, according to the petitioner, the G.O. transferring the land in Survey No.935/1A2 to the Panchayat is illegal and therefore, the same is liable to be quashed.

3.The respondents have taken a plea that this petition has been filed after 35 years of issuing G.O. with some private interest. He would further submit that the District Collector, Dindigul, vide letter in Na.Ka.41476/2011/T4, dated 19.03.2012, advised the Panchayat to remit Rs.1,88,617/- that is the current market value for the land and the same was also remitted by the panchayat on 27.04.2012. Thus, now the land belongs to the Panchayat. It is further stated that though the said land was originally purchased by the Panchayat for the purpose of constructing bus-stand, by the side of the said land a flyover bridge has been constructed by the National Highway Department and there has been no feasibility to construct a bus-stand in the said property and therefore, the bus-stand has been constructed in different property, taking into account the convenience of the people. Since the said land has already been purchased by the Panchayat, the Panchayat has constructed a overhead water tank for the benefit of the villagers and also a Panchayat Office.

4.The learned counsel for the petitioner would submit that the G.O. itself is not sustainable, in view of the fact that the land is a water body.



5. We have considered the above submissions.

6. The G.O. which was issued in the year 1978 is challenged after a span of 35 years. It is not as though the petitioner is not aware of the said Government Order. Based on the another Government Order, already the Panchayat had paid current market value of Rs.1,88,617/- and taken possession. Though originally the land was purchased for the purpose of constructing a bus-stand, because of the later development viz., construction of flyover by the side of the said property by the National Highway, it has become impossible to construct the bus-stand. Therefore, the Panchayat in the larger interest of the villagers utilised the said land for a different purpose.

7. Though it is stated that the said land is a water body, we do not find any force in the said argument at all. A number of photographs and documents filed before this Court would go to show that the said land is not as of now a water body and there is no block made out of the said land. In our considered view, as rightly contended by the learned counsel for the respondents, this litigation has been filed with some private interest. It is not the first litigation. Previously also, two writ petitions have been filed and they were also dismissed. In view of the above, we do not find any merit at all in this Writ Petition.

8. In the result, this Writ Petition fails and accordingly, the same is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To

1. The Revenue Secretary,
Department of Revenue, St. George Fort, Chennai - 600 009.
2. The Principal Secretary and
Commissioner of Land Administration, Chepauk, Chennai.
3. The District Collector, Dindigul District, Dindigul.
4. The District Revenue Officer,
O/o. the District Revenue Office, Dindigul District.
5. The Tahsildar, Vendasandur Taluk, Dindigul District
6. The Executive Officer,

Ayyalur Town Panchayat, Ayyalur, Dindigul District.

+One cc to Mr. V.R. Venkatesan, Advocate, SR.No.54856

+One cc to The Special Government Pleader, SR.No.55613

gcg

RL/9C/3P/PV/SARI/5.10.2016

Order made in

W.P. [MD].No.3734 of 2013