

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2017

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 6295 of 2017
and
WMP Nos.6785 and 6786 of 2017

R. Sekar

... Petitioner

Vs.

1. The Commissioner and Secretary to Government,
Revenue Department, Fot St. George,
Chennai - 600 009.
2. The Special Commissioner,
Land Reforms, Chepauk,
Chennai - 600 005.
3. The Authorized Officer,
Land Reforms, Villupuram.
4. The Executive Engineer - PWD (WRD)
Kosasthalaiyar Basin Division,
Thiruvallur.
5. The Assistant Engineer - PWD
Basin Division, Saint Thomas Mount,
Chennai - 600 016.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, for forbearing the respondents 4 and 5 from interfering with the petitioner's possession and enjoyment of the land comprised in R.S. No.1/1B, Moulivakkam Village, Sriperumbudur Taluk, Kancheepuram District over an extent of 2.68.5 hectares.

For Petitioner : M/s. M. Muthappan

For Respondents : Mr.P. Senthilvel
Government Advocate

O R D E R

The petitioner filed the present Writ Petition praying for issuance of a Writ of Mandamus, for forbearing the respondents 4 and 5 from interfering with the petitioner's possession and enjoyment of the land comprised in R.S. No.1/1B, Moulivakkam Village, Sriperumbudur Taluk, Kancheepuram District over an extent of 2.68.5 hectares.

2. Heard Mr. M. Muthappan, learned counsel appearing for the petitioner and Mr.P.Senthilvel, learned Government Advocate for the respondents.

3. According to the petitioner the Government acquired the land in RS.No.6/5, 6/2 and 1/1B, Moulivakkam Village over an extent of 4.93 standard acres, which is equivalent to 8.63 ordinary acres declaring as surplus land as per the provisions of Tamil Nadu Land Reforms Act from the land owner for the purpose of assigning the said land to the landless persons. According to the petitioner, he is one of the cultivators of the surplus land in RS.No.1/1B over an extent of 2.68.5 hectares for more than 35 years from the land owner. Hence the said surplus land in RS.No.1/1B of Moulivakkam Village should be assigned to him as per provisions of Tamil Nadu Land Reforms (Disposal of Surplus Land) Rules, 1965. The petitioner has made several representations including his last representation dated 21.07.2015 requesting the 2nd respondent to assign the surplus land to him as per the provisions of the said rules. He is in possession of the above said land for more than 35 years. In such circumstances, unless this Court restrains the respondents 4 and 5 from interfering with the petitioner's possession and enjoyment of the aforesaid land, the petitioner's right will be greatly prejudiced. Hence, the present Writ Petition has been filed.

4. The learned Government Advocate, while opposing the said contentions of the learned counsel for the petitioner, submitted that the petitioner has not furnished any material to prove his case before this Court.

5. According to the petitioner, he has been in possession and enjoyment of the land comprised in R.S. No.1/1B, Moulivakkam Village, Sriperumbudur Taluk, Kancheepuram District over an extent of 2.68.5 hectares. The petitioner has not furnished any document before this Court to prove that he is in possession and enjoyment of the said property. Therefore, the relief as prayed for in the present Writ Petition cannot be granted and it has to be rejected.

6. Accordingly, the writ petition is dismissed. However, liberty is granted to the petitioner to make fresh

representation before the Competent Authority for assignment of the surplus land as per the provisions of the Tamil Nadu Land Reforms (Disposal of Surplus Land) Rules. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

jv

To

1. The Commissioner and Secretary to Government,
Revenue Department, Fot St. George,
Chennai - 600 009.
2. The Special Commissioner,
Land Reforms, Chepauk,
Chennai - 600 005.
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4. The Executive Engineer - PWD (WRD)
Kosasthalaiyar Basin Division,
Thiruvallur.
5. The Assistant Engineer - PWD
Basin Division, Saint Thomas Mount,
Chennai - 600 016.

+1cc to M/s.M.Muthappan, Advocate, S.R.No.16218
+1cc to the Government Pleader, Advocate, S.R.No.16513

सत्यमेव जयते

W.P. No. 6295 of 2017

SS(CO)
CA(24.03.2017)

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