

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2017

CORAM

THE HON'BLE Mr. JUSTICE M.DURAISWAMY

W.P.No.14372 of 2017

G. Arumugham

... Petitioner

v.

1. The District Collector,
Kancheepuram District,
Kancheepuram.

2. The Tahsildhar,
Thiruporur Taluk,
Thiruporur,
Kancheepuram District.

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of Certiorari calling for the records of the respondents and quash the order of the second respondent passed on 01.03.2016 in Na.Ka.No.537/2015/AA2 and directing the respondents to assign and to issue patta in the name of the petitioner for the land enjoyed by him in S.No.406 of No.2 Kolathur Village, Thiruporur Taluk, Kancheepuram District to an extent of 3 acres 33 ½ cents in accordance with G.O.Ms.1750/Rev/Dt: 13.05.1963 which facilitates assign free of lands to landless serving soldiers and Ex-servicemen.

For Petitioner : Mr. M. Jayapal Rajan

For Respondents : Mr. A.N.Thambidurai

Special Government Pleader

ORDER

Mr. A.N. Thambidurai, learned Special Government Pleader, takes notice for the respondents.

2. By consent, the main writ petition itself is taken up for disposal, at the admission stage itself.

3. The petitioner has filed the above Writ Petition to issue a writ of Certiorarified Mandamus to call for the records of the respondents and to quash the order of the second respondent passed on 01.03.2016 and to direct the respondents to issue patta in his name for the land enjoyed by him in Survey No.406 of No.2 Kolathur Village, Thiruporur Taluk, Kancheepuram

District, to an extent of 3 acres and 33 ½ cents in accordance with G.O dated 13.05.1963, which facilitates assignment of free lands to landless serving soldiers and Ex-servicemen.

4. The impugned order has been passed by the second respondent, The Tahsildar, Thiruporur Taluk, rejecting the request made by the petitioner, stating that the assignment cannot be made in respect of the land in question, in view of the Government Order, in G.O.Ms.1135, Revenue Department dated 17.03.2015, which prohibits the assignment of the land.

5. Mr.A.N.Thambidurai, learned Special Government Pleader for the respondents submitted that as against the impugned order dated 01.03.2016, the petitioner has got a remedy by way of an appeal before the Revenue Divisional Officer. Since the appeal remedy is available with the petitioner, he can exhaust the appeal remedy before the Revenue Divisional Officer, in accordance with law.

6. In these circumstances, the writ petition is closed. No costs. However, it is open to the petitioner to challenge the impugned order dated 01.03.2016 by way of an appeal before the Revenue Divisional Officer, in accordance with law and in the event of the petitioner filing an appeal before the Revenue Divisional Officer, the concerned Revenue Divisional Officer is directed to consider the petitioner's appeal and pass orders in accordance with law, within a period of three months from the date of presentation of the appeal.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

nl/rg

To

1. The District Collector,
Kancheepuram District,
Kancheepuram.

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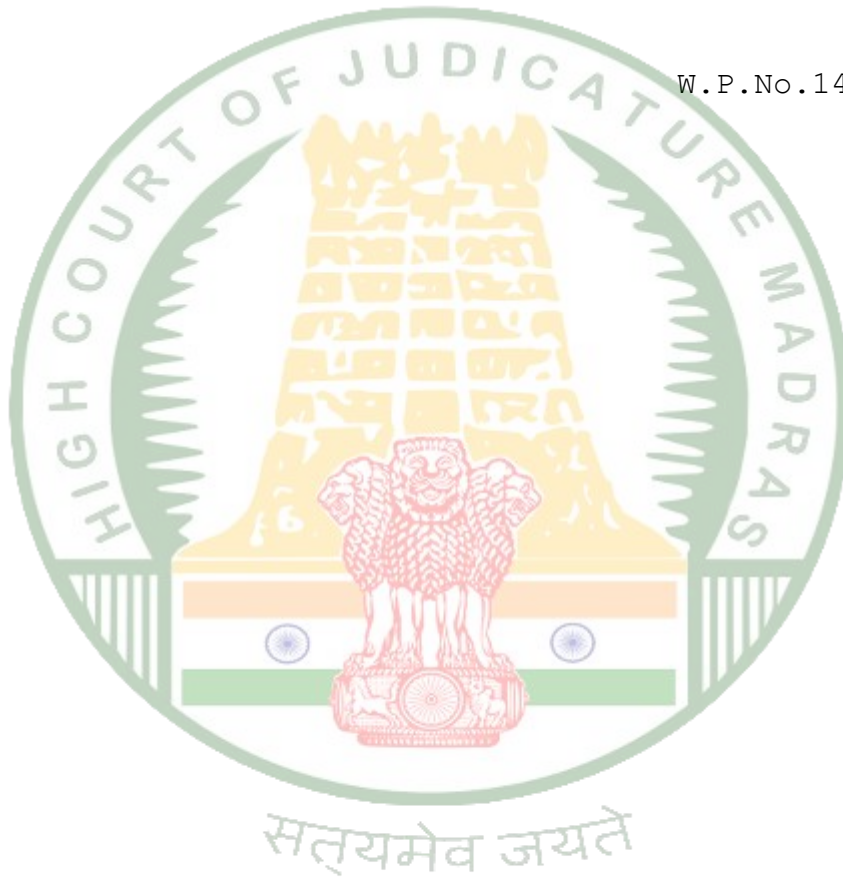
2. The Tahsildhar,
Thiruporur Taluk,
Thiruporur,
Kancheepuram District.

+1 CC to Govt. Pleader sr 42384

+1 CC to Mr.M.Jayapal Rajan, Advocate sr 41909

W.P.No.14372 of 2016

SAI (CO)
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