

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.04.2017

Coram

The Hon'ble Mr. Justice S.M. Subramaniam

Writ Petition No. 17789 of 2012

Nethaji Subash Chandra Bose,
Defence Coloney,
Maji Ranuvam, Mattrum Harijana Seva Sangam.
rep. by its President,
S. Periyaswamy.

...Petitioner

Vs.

1. The State of Tamil Nadu,
rep. by its Secretary to Government,
Revenue Department,
Fort St. George,
Secretariat, Chennai - 600 009
2. The Managing Director
SIDCO, Paul Wells Road,
Kathipara Junction,
Chennai - 600 016.
3. The Special Commissioner and Commissioner of Land
Administration,
Chepauk, Chennai - 600 005.
4. The District Collector,
Thiruvallur District, Thiruvallur.
5. The Tahsildar,
Ambattur Taluk,
Thiruvallur District - 600 053.
6. The Revenue Inspector,
Ambattur Taluk,
Thiruvallur District - 600 058.
7. The District Revenue Office,
Thiruvallur.
8. Thiagi D.V. Ponniah,
R-8, impleaded, as per Order, dated
02.06.2014, in M.P.No.1 of 2013 of this W.P.

9. Maji Ranuva Veerar Thiagi D.V.Ponnaiah
Ranuva Veerargal Matrum Harijana
Nala Seva Sangam,
rep. by its President,
Ms.P.Mahalakshmi ...Respondents
(R-9 impleaded as per today's
order in W.M.P.No.10217/17)

Writ Petition, filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus, to call for records relating to the G.O.Ms.No.130, dated 09.04.2012, passed by the first respondent and to quash the same and consequently, to direct the fourth respondent to issue free house site patta to the members of the petitioner's Sangam, as per G.O.Ms.No.206, Revenue, dated 04.04.2008.

For Petitioner : Mr.Gnanasekar
For Respondents 1,
3 to 7 : Mr.A.Zakkir Hussain
Government Advocate
For Respondent-2 : Mr.B.Manoharan
For Respondent-8 : Mr.S.Raveendran
For Respondent-9 : Mr.K.M.Subramaniam

O R D E R

The challenge in this Writ Petition is to the Government Order passed, vide G.O.Ms.No.130 of Revenue [LD1 (1)] dated 09.04.2012, whereby, the order passed in G.O.Ms.No.206, Revenue, dated 04.04.2008, is ordered to be kept in abeyance.

2. The learned counsel appearing on behalf of the petitioner submitted that, petitioner is an Association, consisting of 37 members, and vide G.O.Ms.No.206, Revenue, dated 04.04.2008, lands have been assigned in their favour. The learned counsel contended that, only after conducting full fledged enquiry, lands have been allotted in favour of the petitioner-Association, and therefore, the impugned order, viz., G.O.Ms.No.130, dated 09.04.2012, keeping in abeyance the original assignment order, dated 04.04.2008, is perverse and unsustainable.

3. Learned Government Advocate appearing for respondents 1 and 3 to 7 has submitted that, though it is the case of the petitioner-Association that, as per G.O.Ms.No.206, dated 04.04.2008, lands have been allotted in their favour, on

scrutiny of records, it was found that assignment was obtained by the petitioner-Association, by furnishing incorrect particulars to the Revenue Authorities, such as, submitting the names and address of the economically well-placed persons, and in some cases, different names of the same family have been given, and in certain cases, the names of the outsiders have been given, so as to obtain assignment, therefore, assignments granted vide G.O.Ms.No.206 are liable to be cancelled. The learned Government Advocate further submitted that, there are counter claims with regard to the same assignment by some ex service men and weaker section of the Society.

4. The learned counsels appearing for eight and ninth respondents respectively, have raised objection in assigning lands in favour of the petitioner-Association, by stating that the petitioner-Association have obtained assignment, by practising fraud.

5. The present impugned Government Order, (i.e., G.O.Ms.No.130) dated 09.04.2012, ordering to keep in abeyance the original assignment order (G.O.Ms.No.206, Revenue, dated 04.04.2008) is passed based on the proposal of the District Revenue Officer, Tiruvallur, and also taking into consideration of the fact that there are certain irregularities in the earlier assignment. Considering the allegations and counter allegations, at the out set, the Government directed the District Collector, Tiruvallur to re-examine the entire issue, and pass appropriate orders with regard to the assignment made under G.O.Ms.No.206. In respect of the assignment of land, it is upto the Government to find out the suitability of the persons and allot the lands. Moreover, it is the policy decision of the Government, which has to be considered in accordance with law. The Revenue Authority concerned has to consider the suitability and other aspects of the matter, and it is not proper for this Court to direct the Government in respect of assignment of free lands to the weaker section of the Society.

6. Accordingly, the prayer sought for by the petitioner, in this Writ Petition cannot be considered. The Revenue Authorities/respondents 1, 3 to 7 have to consider the spirit of the order passed in G.O.Ms. No.130 dated 09.04.2012, and take appropriate decision in regard to the assignment of land in favour of the petitioner-Association. In such view of the matter, the respondents 1, 3 to 7 are at liberty to consider the claims and counter claims of all concerned and take appropriate decision in this regard in accordance with law.

7. With the above observations, the Writ Petition is
***disposed.** No costs.

***Modified as per order
of this court in WMO.NO.17932
of 2012 in WP.No.17789 of
2012.**

sd/-

Assistant Registrar(CCC)

-s/d-

Assistant Registrar(CSVII)

True Copy

Sub-Assistant Registrar

sd

To

1. The State of Tamil Nadu,
rep. by its Secretary to Government,
Revenue Department,
Fort St. George,
Secretariate, Chennai - 600 009
2. The Managing Director
SIDCO, Paul Wells Road,
Kathipara Junction,
Chennai - 600 016.
3. The Special Commissioner and Commissioner of Land
Administration,
Chepauk, Chennai - 600 005.
4. The District Collector,
Thiruvallur District, Thiruvallur.
5. The Tahsildar,
Ambattur Taluk,
Thiruvallur District - 600 053.
6. The Revenue Inspector,
Ambattur Taluk,
Thiruvallur District - 600 058.

Modified order
to be substituted
to the order
already
despatched on
19.5.17

7. The District Revenue Office,
Thiruvallur.

+1 cc to Government Pleader sr 36528

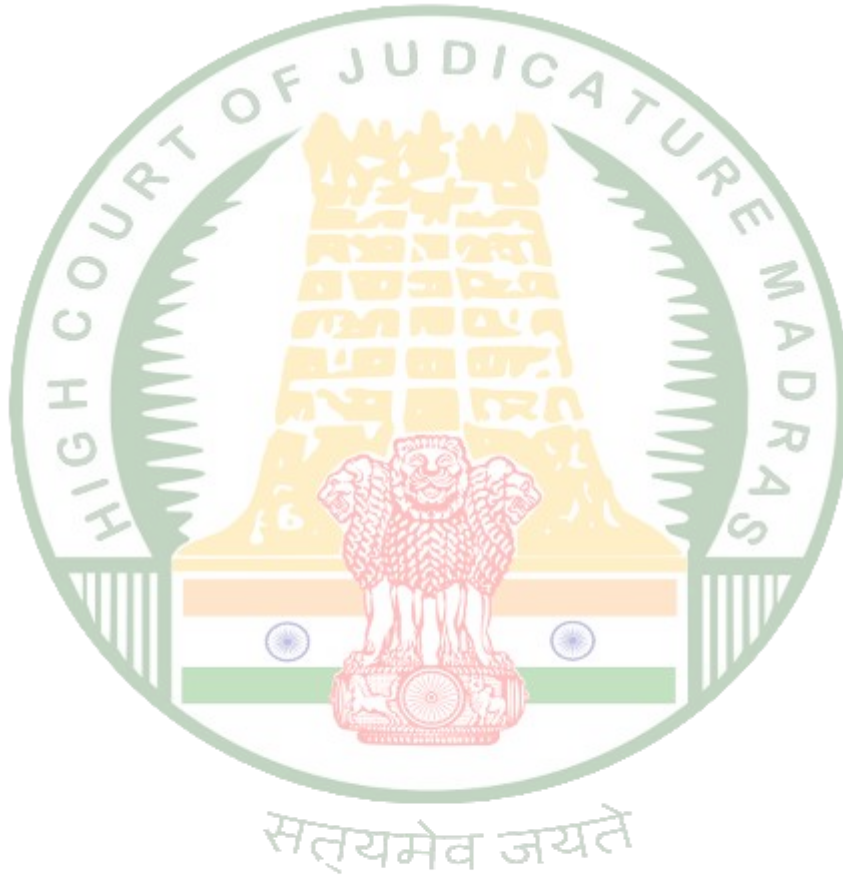
+1 cc to Mr.M.Gnanasekar Advocate sr ***45524**

+1 cc to Mr.K.M.Subramaniam Advocate sr 25399

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aa12/05/2017

ss(7/7/2017)



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