



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.06.2017

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THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.A(MD)No.514 of 2017

and

C.M.P(MD)No.4406 of 2017

1. The District Collector,
Madurai District, Madurai.
2. The District Revenue Officer,
District Collectorate,
Madurai-20.
3. The Tahsildar,
Melur Taluk, Madurai District. : Appellants/Respondents

Vs.

M.Abbas : Respondent/petitioner

Prayer: This Writ Appeal is filed under Clause 15 of Letters Patent to set aside the order, dated 18.12.2013 made in W.P(MD) No.3478 of 2010 on the file of this Court.

Prayer in WP(MD) . 3478/ 2010 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF CERTIORARIFIED MANDAMUS calling for records relating to the impugned proceedings passed by the 1st respondent in Na.Ka.No. 99908/05/11.2 dated 16.11.2007 and communicated to the petitioner by proceedings of the 1st respondent dated 22.12.2009 Na.Ka.No. 50883-09 and quash the same as illegal and consequentially to direct the 3rd respondent to survey the petitioners land comprised in survey No. 324/6 & 324/8 situate at Navinipatti village, Melur Taluk, Madurai District based on the recommendations made by the 2nd respondent in his proceedings dated 18.08.2004.

For Appellants : Mr.V.Muruganatham,
Additional Government Pleader
For Respondent : Mr.C.Venkatesh Kumar
for M/s Ajmal Associates

JUDGMENT

(Judgment of the Court was delivered by **T.S.SIVAGNANAM, J**)

Heard Mr.V.Muruganatham, Additional Government Pleader and
<https://hcservices.ecourts.gov.in/hcservices/>
Mr.C.Venkateshkumar for M/s.Ajmal Associates, counsel for the
respondent.



2. This appeal by the District Collector and two others is directed against the order dated 18.12.2013 in W.P.(MD) No.3478/2010.

3. The Additional Government Pleader pointed out that the writ petition is not maintainable, since it was filed challenging an internal communication. However, we find that the order has been passed by the first appellant dated 16.11.2007 and it has been communicated to the writ petitioner. The matter pertains to assignment of lands for landless poor. It is not in dispute that the respondent/writ petitioner was a beneficiary of one such assignment order. The appellant seek to cancel the assignment on the ground that the writ petitioner has not put up construction in the property within a period of six months from the date of allotment as mentioned in the order of assignment.

4. The case of the respondent/writ petitioner is that failure on the part of the appellant/authorities to demarcate the land, which prevented the respondent to enter upon the land to put up construction. Admittedly, the assignment was made during 2001 and till 2009, no action was initiated.

5. In our considered view, the learned Single Judge is fully justified in issuing appropriate directions to the appellant to survey the property and demarcate the four boundaries of the land allotted to the respondent/writ petitioner and then grant the respondent six months time to put up construction. During the pendency of the writ petition, there was an order of interim stay. The present appeal, though was filed before this Court on 24.07.2014, it has been numbered only in the year 2017. Thus, considering the object behind the policy decision of the Government to allot meagre extent of land to landless poor, we find that there is no error in the order passed by the Writ Court issuing direction to survey the property and demarcate the lands, which was allotted to the respondent. Thus, we find that there are no grounds to interfere.

6. In the result, this Writ Appeal fails and the same is accordingly, dismissed. Consequently, connected Miscellaneous Petition is closed. No Costs.

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To

<https://hcservices.e-courts.gov.in/csr/csr-ii>
The District Collector,
Madurai District,
Madurai.



2. The District Revenue Officer,
District Collectorate,
Madurai-20.

3. The Tahsildar,
Melur Taluk,
Madurai District.

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 58128.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate, SR No. 58109

MRN/RR

PSM/KKR/SAR4/12.06.2017/3P/6C

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