



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.03.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MR.JUSTICE N.AUTHINATHAN

W.P(MD)No.1066 of 2017

and

W.M.P (MD)No.906 of 2017

M.Subramanian

.. Petitioner

Vs.

1. The District Collector,
Dindigul District,
Dindigul.

2. The Sub-Collector,
Palani,
Dindigul.

3. The Thasildar,
Ottanchathiram Taluk,
Dindigul District.

4. The Revenue Inspector,
Chinnakampatti,
Ottanchathiram,
Dindigul District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records relating to the first respondent in pursuance of the impugned order in Na.Ka.No:1720/16/t7 dated 30.12.2016 and quash the same.

For Petitioner : Mr.N.Shanmugaselvam
For Respondents : Mr.M.Govindan,
Special Government Pleader.

ORDER

[Order of the Court was made by A.SELVAM, J.]

This writ petition has been filed under Article 226 of the Constitution of India praying to call for records relating to the order, dated 30.12.2016 passed in Na.Ka.No:1720/16/t7 by the first respondent and quash the same, by way of issuing a writ of Certiorari.



2.The learned counsel appearing for the petitioner has repeatedly contended to the effect that in the survey number mentioned in the petition, the petitioner has constructed a cluster of staff quarters. Under the said circumstances, the first respondent has passed the impugned order even without considering Section 17-A of the Rules made under the Tamil Nadu Bhoodan Yagna Act, 1958, wherein it has been clinchingly stated that exchange of land is permissible. Under the said circumstances, the impugned order passed by the first respondent is liable to be quashed.

3.The learned Special Government Pleader appearing for the respondents has contended to the effect that the land mentioned in the order is nothing but a bhoodan land wherein an exchange of land by third party is not permissible under law. Under the said circumstances, the first respondent has rightly passed the impugned order and therefore the impugned order passed by the first respondent is not liable to be quashed.

4.The entire argument putforth on the side of the petitioner is based upon Section 17-A of the Rules made under the Tamil Nadu Bhoodan Yagna Act, 1958 and the same reads as follows:-

"17-A. Permission for exchange the donated land- Notwithstanding anything contained in this Act, if the circumstances so warrant, permit the exchange of the land already donated to, and vested in, the State Board, with an alternate land, by the donar or his legal heirs, as the case may be, in such manner as may be prescribed, subject to the following conditions, namely:-

(a) the alternate land shall be of equivalent value;

(b) there shall be no encumbrance on the alternate land;

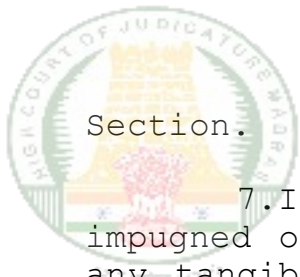
(c) the donor or his legal heirs shall be competent to transfer such alternate land;

(d) there shall not be any arrear of land revenue or tax or any amount due to the Government or other authority;

(e) the land already donated had not been assigned to any person or authority under this Act."

5.Even a cursory look of the said Section would clearly go to show that such exchange mentioned therein is permissible only in respect of donor.

6.In the instant case, the petitioner is a third party and he has no connection whatsoever with the land mentioned in the impugned order. Since Section 17-A of the Rules made under the Tamil Nadu Bhoodan Yagna Act, 1958, is applicable only to donor and not to a third party, the petitioner cannot take shelter under the said



Section.

7. It is an admitted fact that the land mentioned in the impugned order is a bhoodan land and the petitioner is not having any tangible interest over the same. But the petitioner has put a cluster of houses so as to provide them to staff.

8. Considering the fact that the land mentioned in the impugned order is nothing but bhoodan land and also considering that Section 17-A of the Rules made under the Tamil Nadu Bhoodan Yagna Act, 1958, is not applicable to the case of the petitioner, this Court is of the considered view that the impugned order passed by the first respondent is perfectly correct and the same does not call for any interference.

9. In fine, this writ petition is dismissed without costs. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Dindigul District,
Dindigul.
2. The Sub-Collector,
Palani, Dindigul.
3. The Thasildar,
Ottanchathiram Taluk,
Dindigul District.
4. The Revenue Inspector,
Chinnakampatti,
Ottanchathiram,
Dindigul District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 13441
+ 1 CC TO Mr.N.SHANMUGASELVAM, ADVOCATE IN SR No. 13317

PS

TE/CM-MSA : 15/03/2017 : 3P/7C

ORDER MADE IN
W.P(MD)No.1066 of 2017 and
W.M.P(MD)No.906 of 2017
08.03.2017