

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.07.2018

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.18421 of 2015

and

M.P.No.2 of 2015

Tamil Nadu Village Administrative Officers Association
Thiruvarur District,
Represent by its Treasurer M.Rajkumar
No.141, West Street, Serukalathur,
Thiruvarur District. ..Petitioner

vs

1.The Commissioner of Revenue Administration,
Chepauk,
Chennai - 600 005.

2.The District Collector,
Thiruvarur District,
Thiruvarur.

3.The District Revenue Officer,
Thiruvarur District,
Thiruvarur.

4.The Revenue Divisional Officer,
Thiruvarur District,
Thiruvarur.

5.The Tashildhar,
Kudavasal Taluk,
Thiruvarur District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order of the 2nd respondent passed in Na.Ka.No.2084/2015/A1 dated 01.06.2015 and quash the same and consequently direct the 2nd respondent to accord necessary permission for the petitioner Association to put up the construction for their Association in an extent of 1107 sq.ft., comprised in S.No.103/6 Kudavasal Town, Thiruvarur District.

For Petitioner : Mr.A.Mohamed Ismail
For Respondents : M/s.A.Srijayanthi, Spl GP

O R D E R

The order of rejection issued by the District Collector, Thiruvarur in proceedings dated 01.06.2015 in relation to the claim of the writ petitioner Association to have the Association office/recreation club in the Government premises is under challenge in this writ petition.

2.The learned counsel appearing on behalf of the writ petitioner made a submission that the petitioner is Tamil Nadu Village Administrative officers Association, Thiruvarur District. The Village Administrative Officers working in Thiruvarur District are the members of the petitioner's Association. Near about 106 villages are coming within the territorial jurisdiction of Thiruvarur District. The request of the petitioner is that they need a space for conducting meetings and Association activities and for running recreation club in the Government premises. The learned counsel for the petitioner contended that they are already in occupation of the portion of the Government land for many years and there was no objection on the part of the authorities concerned.

3.This being the fact, the same portion of the building is to be allotted to the petitioner Association for the purpose of continuing their Association activities. The request made in this regard by the Association was rejected by the District Collector in the impugned proceedings dated 01.06.2015, stating that the District Administration cannot provide a space for recreation club for the Association. Accordingly, the permission sought for by the petitioner has been rejected. Challenging the same, the present writ petition has been filed.

4.The learned Special Government Pleader appearing on behalf of the respondents opposed the contention by stating that the writ petitioner Association has no locus standi to claim a separate room for recreation, specifically for the purpose of Village Administrative Officers Association. This apart, the petitioner's Association has encroached the portion of the land without obtaining any proper written permission from the competent authorities and continuing in the said portion of the Government land unauthorizedly and without any authority. When the actions are taken by the District Administration, the petitioner Association made an application for seeking allotment to run a recreation club. However, the said request was rejected by the District Collector on the ground that no such portion of

the Government land was granted to any other organization for the purpose of recreation club by the Village Administrative Officers Association. Thus, the writ petition is devoid of merits.

5.The learned Special Government Pleader submitted the copy of the circular issued by the Special Commissioner and Commissioner for Revenue Administration, Chepauk, Chennai in proceedings dated 23.03.2006, which states that no employees Association or any other organization shall be permitted to run their Association activities in the Government building without obtaining a written permission from the Head of the Department or from the Government.

6.Thus, it is made clear that the Government has to give an allotment or permission to occupy the portion of the Government building for the purpose of maintaining a recreation club or for conduct of meetings of the Association.

7.When the question is asked with the learned counsel appearing on behalf of the writ petitioner, whether any such permission was obtained by the writ petitioner Association, the answer is negative. Thus, it is an admitted fact that the writ petitioner Association is continue, to be in possession of the Government land and commenced construction at their own volition. Such activities of the Association cannot be permitted and the Association has to approach the competent authorities for the purpose of obtaining permission, either to put up a construction or to run a recreation club or Association activities. This apart, as of now, there is no allotment or permission granted by the Government in favour of the writ petitioner's Association. Therefore, they have no right to encroach the Government land or construct any building in the Government land. Only after obtaining proper permission and after obtaining building approval from the authorities concerned, they can occupy. In the absence of any such legal rights, they cannot occupy the Government land or to construct any building in the Government land without obtaining proper permission from the Government.

8.In view of the fact that the writ petitioner has not obtained any allotment or approval or permission from the Government for the occupation of the Government land or to put up any construction in the Government land, this Court cannot consider the relief as such sought for in this writ petition.

9.Thus, it is left open to the petitioner's Association to approach the Government for the purpose of redressal of their grievance and it is for the Government to consider the merits and demerits of the case and take appropriate decision. However,

now the writ petitioner has not established any legal right so as to consider the claim made out in the present writ petition.

10. In this view of the matter, the impugned order of rejection passed by the District Collector is in accord with law and there is no infirmity as such. Accordingly, the writ petition is devoid of merits and stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CCC)

//True copy//

Sub Assistant Registrar

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To

1. The Commissioner of Revenue Administration,
Chepauk, Chennai - 600 005.
2. The District Collector,
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Thiruvarur.
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5. The Tashildhar,
Kudavasal Taluk,
Thiruvarur District.

+1cc to Mr. A. Mohamed Ismail, Advocate SR.No.44143
+1cc to Government Pleader SR.No.43372

W.P.No.18421 of 2015

GN(16/07/2018)