

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.16321 of 2018

R.Sekar

.. Petitioner

-vs-

1. The Special Commissioner
Land Reforms
Chepauk
Chennai 600 005

2. The District Revenue Officer
Kancheepuram District
Kancheepuram

3. The Revenue Divisional Officer
Thambaram
Kancheepuram District

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the third respondent to consider the petitioner's application dated 16.05.2017 and assign the land comprised in R.S.No.1/1B, Moulivakkam Village, Sriperumbudur Taluk, Kancheepuram District over an extent of 2.68.5 hectares under the provisions of Tamil Nadu Land Reforms (Disposal of Surplus Land) Rules, 1965 within the time prescribed by this Hon'ble Court.

For Petitioner :: Mr.M.Muthappan

For Respondents:: Mr.V.Jayaprakash Narayanan
Special Government Pleader

WEB COPY
ORDER

The petitioner has again visited this Court seeking to renew his previous request that came to be rejected by this Court vide order dated 15.3.2017 passed in W.P.No.6295 of 2017, indirectly asking this Court to again issue another writ of mandamus to the third respondent to consider his application dated 16.5.2017 for assignment of the land comprised in

R.S.No.1/1B, Moulivakkam Village, Sriperumbudur Taluk, Kancheepuram District having an extent of 2.68.5 hectares under the provisions of the Tamil Nadu Land Reforms (Disposal of Surplus Land) Rules, 1965 within a stipulated period.

2. Mr.M.Muthappan, learned counsel for the petitioner submitted that after the Government acquired the land covered in R.S.Nos.6/5, 6/2 and 1/1B situated at Moulivakkam village over an extent of 4.93 standard acres, declaring them as surplus as per the provisions of the Tamil Nadu Land Reforms Act from the land owner for the purpose of assigning the said land to the landless persons, the said land is lying vacant. Hence the petitioner has been cultivating the same to an extent of 2.68.5 hectares for more than 35 years. As it is a surplus land, it should be assigned to the petitioner, as per the provisions of the Tamil Nadu Land Reforms (Disposal and Surplus Land) Rules. In this regard, the petitioner has made several representations including the one dated 21.7.2015 requesting the Special Commissioner, Land Reforms, Chennai to assign the surplus land to him, as per the provisions of the Tamil Nadu Land Reforms (Disposal and Surplus Land) Rules. But the same were not considered. Therefore, he came to this Court with Writ Petition No.6295 of 2017 seeking a mandamus to the respondents 4 & 5 therein not to interfere with the possession and enjoyment of the land comprised in R.S.No.1/1B, Moulivakkam village, Sriperumbudur Taluk. This Court, by order dated 15.3.2017, rejecting the case of the petitioner on the ground that the petitioner was unable to produce any document to show his possession and enjoyment of the property, gave liberty to the petitioner to make a fresh representation before the competent authority for assignment of the surplus land as per the provisions of the Tamil Nadu Land Reforms (Disposal and Surplus Land) Rules. Pursuant thereto, he has also given a fresh representation on 16.5.2017 to the District Revenue Officer, Kancheepuram, which has been forwarded to the Revenue Divisional Officer, Tambaram. As the steps taken by the revenue authorities have not finally come to an end, a direction be issued, he pleaded.

3. But this Court is not inclined to issue any such direction. The reason being that the petitioner's request was already considered and rejected by this Court by an order dated 15.3.2017 passed in W.P.No.6295 of 2017 on the ground that he was unable to produce any document to show his possession and enjoyment of the property. Secondly, although a direction was given, may be on the premise that he would be able to produce the relevant document, when the petitioner approaches this Court after making the representation dated 16.5.2017, he should be in a position to produce the relevant documents. However, the learned counsel for the petitioner is unable to produce any

single document. Therefore, the communication dated 9.6.2017 sent by the District Revenue Officer to the Revenue Divisional Officer has no relevance, because, without there being any document to show that the petitioner is in possession and enjoyment, cannot be considered. Hence the writ petition fails and it is, accordingly, dismissed. Consequently, W.M.P.No.19466 of 2018 is also dismissed. No costs.

Sd/-
Deputy Registrar

//True copy//

Sub Assistant Registrar

ss

To

1. The Special Commissioner
Land Reforms
Chepauk
Chennai 600 005
2. The District Revenue Officer
Kancheepuram District
Kancheepuram
3. The Revenue Divisional Officer
Thambaram
Kancheepuram District.

+lcc to Mr.M.Muthappan, Advocate SR.No.43078
+lcc to Government Pleader SR.No.44116

सत्यमेव जयते

W.P.No.16321 of 2018

GN(13/07/2018)

WEB COPY