IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2019

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.No.3301 of 2019

Maji Ranuva Veerar Thiagi
D.V.Ponnaiah Ranuva Veerargal,
Matrum Harijana Nala Seva Sangam,
Rep.by its President,
Ms.P.Mahalakshmi ..Appellant/9th Respondent

Vs.

1.Nethaji Subash Chandra Bose,
Defence Colony Maji Ranuvam,
mattrum Harijana Seva Sangam,
rep.by its President S.Periyaswamy ..1st Respondent/Petitioner

2.The State of Tamil Nadu,
rep. by its Secretary to Government,
Revenue Department,
Fort St.George, Chennai - 600 009.

3.The Managing Director,
Sidco, Paul Wells Road,
Kathipara Junction,
Chennai - 600 016.

4.The Special Commissioner and
Commissioner of Land Administration,
Chepauk, Chennai - 600 005.

5.The District Collector,
Thiruvallur District,
Thiruvallur.

6.The Tahsildar,
Ambattur Taluk,
Thiruvallur District - 600 053.

7.The Revenue Inspector,
Ambattur Taluk,
Thiruvallur District 600 058.

8.The District Revenue Office,
Thiruvallur.

9.Thiagi D.V.Ponniah (Died) ...Respondents
(R8 Impleaded as per order dated 02.06.2014
in MP.No.1/2013 in this Writ Petition )

PRAYER: Writ Appeal filed under Clause 15 of the Letters patent against the order dated 26.04.2017 passed in W.P.No.17789 of 2012 on the file of this Court.

WP.No.17789 of 2012 : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the concerned records relating to the G.O.Ms.130 dated 9.4.2012 passed by the 1st respondent and the quash the same and consequently direct the 4th respondent to issue free House site patta to the members of the petitioners Sangam as per G.O.Ms.NO.206 Revenue dt 4.4.2008

For Appellant : Mr.K.Balakrishnan
For 1st Respondent : Mr.M.Gnanasekar

JUDGMENT
(Order of the Court was delivered by N.KIRUBAKARAN, J)

The Writ appeal has been filed against the order of the learned Single Judge refusing to quash the G.O.Ms.No.130, Revenue dated 09.04.2012 by which the earlier G.O.Ms.No.206, Revenue dated 04.04.2008 is to be kept in abeyance.

2.The case of the appellant is that appellant's association has got 37 members and they are the beneficiaries under G.O.Ms.No.206, Revenue dated 04.04.2008. After conducting full fledged enquiry only, the lands have been allotted in favour of the appellant's association. Therefore, the impugned Government Order is not sustainable.

3.The case of the Government is that by furnishing incorrect particulars to the Revenue authorities viz., submitting the name and address of the economically well-placed persons and also giving the name of outsiders alone, land assignments were obtained. Therefore, the lands obtained through G.O.Ms.No.206, Revenue, dated 04.04.2008 was cancelled. Further, it is also stated that there are counter claims with regard to the same assignments by ex-servicemen and weaker sections of the society.

4.Taking into consideration that there was fraudulent representation by giving incorrect names for getting assignment of lands, earlier Government Order was cancelled and impugned Government Order was passed. When the authorities have found that irregularities have been committed and by which ineligible persons were granted assignments by virtue of G.O.Ms.No.206, Revenue, dated 04.04.2008, the Government rightly resigned the same.

5.While dealing with the matter, the learned Single Judge confirmed the order and directed the Government to re-examine the entire issue and pass appropriate orders with regard to the assignment made in G.O.Ms.No.206, Revenue dated 04.04.2008. It is open to the Government to find out the suitability of the persons and allot the lands. The learned Single Judge also has observed that once policy decision has been taken, the same has to be considered in accordance with law and it cannot be resigned.

6.Further, the learned Single Judge has also directed the Revenue authorities to consider the order passed in G.O.Ms.No.130, Revenue dated 09.04.2012 and take appropriate decision in favour of the petitioner's association. The learned Single Judge has remanded the matter to the Government to consider the suitability and other aspects of the order made in G.O.Ms.No.130, Revenue, dated 09.04.2012 and thereafter, make allotment. Therefore, the order passed by the learned Single Judge confirming the G.O.Ms.No.130, Revenue dated 09.04.2012 cannot be interfered with.

7.It is also brought to the notice of this Court that pursuant to the order passed by this Court on 26.04.2017, the District Revenue Officer wrote a letter to the Tahsildar on 30.04.2018 to conduct an enquiry as per the order of this Court and send a report and therefore, the order itself has been worked out.

8.Therefore, the Writ appeal fails and the same is dismissed. No costs. However, the respondents are directed to conduct enquiry and decide the matter at the earliest.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Secretary to Government,
State of Tamil Nadu,
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2.The Managing Director,
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Chennai - 600 016.

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6.The Revenue Inspector,
Ambattur Taluk,
Thiruvallur District 600 058.

7.The District Revenue Office,
Thiruvallur.

+1 cc to M/s.K.Balakrishnan, Advocate Sr.No. 84423
+1 cc to M/s.M.Gnansekar, Advocate Sr.No.83893

AKM/30.10.19/4P- 10C /

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