

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.10.2020

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

WP.No.14391/2020 & WMP.Nos.17860 & 17863/2020

Thiruvannamalai Maavatta Anaithu
Vavasayigal Nala Sangam, rep.by its
President, R.Kasambu

..Petitioner

Versus

1. The Government of Tamil Nadu
Rep.by its Secretary
Revenue Department,
Fort St George, Chennai 600 009.
2. The Government of Tamil Nadu
Rep.by its Secretary
Public Works Department,
Fort St George, Chennai 600 009.
3. The Government of Tamil Nadu
Rep.by its Secretary
Revenue & Disaster Management Department,
Fort St George, Chennai 600 009.
4. The District Collector
Collectorate, Vengikkal
Thiruvannamalai District.
5. The Tahsildar
Chengam Taluk,
Tiruvannamalai District.
6. The President
Periyakolapadi Village Panchayat
Chengam Taluk,
Thiruvannamalai District.
7. The Tamilnadu Small Industries Development Corporation Ltd,
SIDCO Industrial Estate,
Gandhi Nagar, Katpadi, Vellore District.

..Respondents

Prayer:-

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari mandamus calling for impugned order dated 04.04.2018 vide Na.Ka.AA3/36022/2015 passed by the 4th respondent and quash the same as illegal, arbitrary and violation of principles of natural justice and consequently, forbearing the respondents 1 to 6 from assigning/transferring the unassessed Government Punjai land comprised in Survey No.6 to an extent of 65.48 acres situated at Periya Kollapaadi Village, Chengam Taluk, Thiruvannamalai to any one.

For Petitioner : Mr.M.Sridhar

For RR 1 to 5 : Mr.M.Elumalai, AGP

ORDER

- (1) By consent, the writ petition is taken up for final disposal and is disposed of by this order.
- (2) Mr.M.Elumalai, learned Additional Government Pleader accepts notice on behalf of respondents 1 to 5.
- (3) The writ petition is styled as a Public Interest Litigation and according to the petitioner, the 4th respondent, vide proceedings dated 04.04.2018 in Na.Ka.AA3/36022/2015, had transferred the land admeasuring to an extent of 23.13.0 Hectares in S.No.59/3 of Kannakkurukkai Village, Chengam Taluk, Tiruvannamalai District in favour of the 7th respondent and making a challenge to the same, the present writ petition is filed.
- (4) The learned counsel for the petitioner submitted that as per the communication of the 4th respondent dated 01.02.2020 addressed to the District President of Agricultural Association, Tiruvannamalai District, in the land which has been transferred in favour of the 7th respondent, in the year 2018, two percolation ponds as well as a road has also been put up through Mahatma Gandhi National Rural Employment Guarantee Scheme. In the light of the same, the proceedings are liable to be quashed and that apart, if the 7th respondent takes possession of the land, the members of the petitioner - Association may not have access to reach their agricultural lands and therefore, prays for appropriate orders.
- (5) Mr.M.Elumalai, learned Additional Government Pleader appearing on behalf of the respondents 1 to 5 would submit that vide impugned proceedings of the 4th respondent dated

04.04.2018 [referred to supra], the topography of the land has also been taken into consideration and there was no response in Form - I Notice also and having taken into consideration, all the relevant aspects, the transfer of land has been made in favour of the 7th respondent for consideration and he would further add that since the points urged by the learned counsel for the petitioner would revolve around adjudication of the disputed questions of fact, the writ petition is not maintainable and prays for dismissal of the same.

(6) This Court has carefully considered the rival submissions and also perused the materials placed before it.

(7) This Court, taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioner, either in the representation or in this writ petition, and further taking note of the fact that the point urged by the learned counsel for the petitioner also revolve around adjudication of the disputed questions of fact, permits the petitioner to file an appeal before the Commissioner of Land Administration, Chepauk, Chennai 600 005, along with authenticated documents within a period of three weeks from the date of receipt of a copy of this order and upon receipt of the same, the said authority is directed to consider the said appeal petition on merits and in accordance with law and pass appropriate orders within a further period of six weeks thereafter and communicate the decision taken, to the petitioner as well as respondents 6 and 7 and before doing so, shall put the respondents 6 and 7 on notice and elicit their response.

(8) The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

1. The Government of Tamil Nadu
Rep. by its Secretary, Revenue Department,
Fort St George, Chennai 600 009.

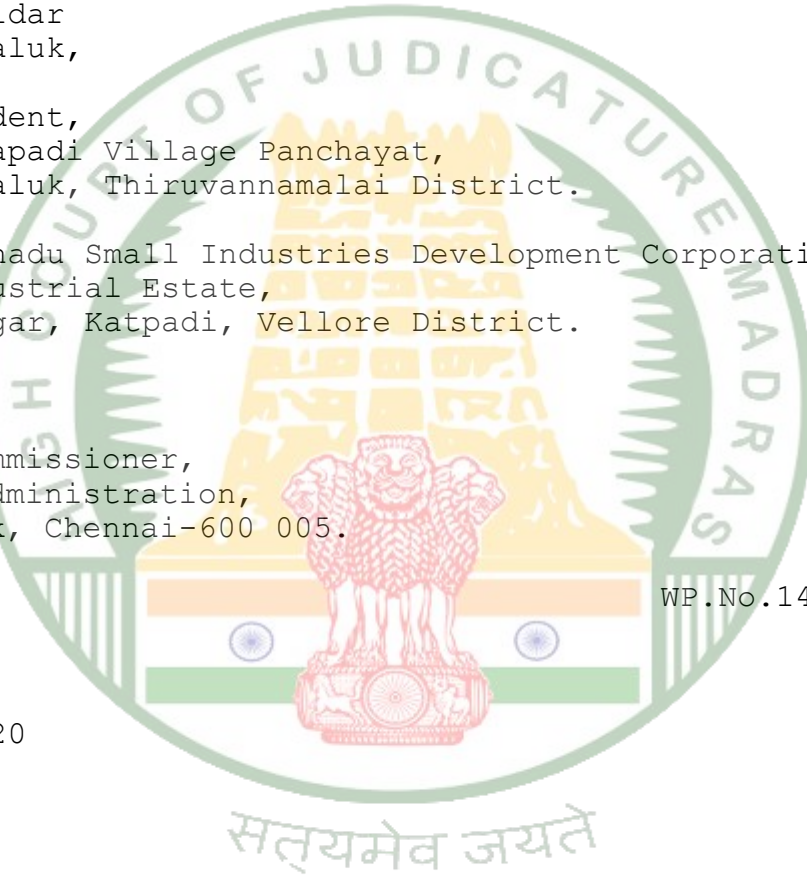
- 2.The Government of Tamil Nadu
Rep.by its Secretary, Public Works Department,
Fort St George, Chennai 600 009.
- 3.The Government of Tamil Nadu
Rep.by its Secretary,
Revenue & Disaster Management Department,
Fort St George, Chennai 600 009.
- 4.The District Collector
Collectorate, Vengikkal, Thiruvannamalai District.
- 5.The Tahsildar
Chengam Taluk,
- 6.The President,
Periyakolapadi Village Panchayat,
Chengam Taluk, Thiruvannamalai District.
- 7.The Tamilnadu Small Industries Development Corporation Ltd,
SIDCO Industrial Estate,
Gandhi Nagar, Katpadi, Vellore District.

COPY TO:-

The Commissioner,
Land Administration,
Chepauk, Chennai-600 005.

WP.No.14391 OF 2020

PT (CO)
CS/06/11/2020



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