

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2020

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P.No.17252 of 2019
and
W.M.P.No.29209 of 2019

Action For Water and Rural Development Trust (Award),
Represented by its Managing Trustee,
Correspondent D.Benjamin,
NO.63, Kovai Bye-Pass Road,
Ellis Nagar Post, Dharapuram Taluk,
Tiruppur-638 657. Petitioner

Vs.

1. The Chief Secretary,
Government of Tamil Nadu,
Revenue Department,
Secretariat, Chennai-9.
2. The Thasildar,
Sulur Taluk Office,
Coimbatore District.
3. The District Collector,
District Collector Office,
Coimbatore District.
4. The Director,
Land Reforms Development /
Bhoodhan Board,
Ezhilagam, Chepauk,
Chennai-600 005.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records relating to the order passed by the Fourth Respondent dated 28.05.2019 in Na.Ka.No.K4/3953/2019 (Pu.Va) and quash the same and consequently direct the respondents to allot the land to the petitioner for the purpose of starting College for Deaf at S.No.496/1, to an extent of 6.50 acres at Sellakarasal Village, Soolur Taluk, Coimbatore District.

For Petitioners : Mr.Parthasarathy.S
For Respondents : Mr.P.Senthilvel
Additional Government Pleader

ORDER

Heard Mr.Parthasarathy.S, Learned Counsel for the Petitioner and Mr.P.Senthilvel, Learned Additional Government Pleader appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner, which claims to be a Charitable Trust, had made a representation dated 05.02.2019 to the Respondents for assignment of land at S.No.496/1 to an extent of 6.50 acres in Sellakarasal Village, Soolure Taluk, Coimbatore District free of cost or on lease for a period of 99 years for establishing a college for the deaf. As there was no response to the same, the Petitioner had earlier filed a Writ Petition in W.P.No.8748 of 2019 in this Court, in which an order was passed on 25.04.2019, without going into the merits of the matter, directing the Respondents to consider the said representation and pass orders thereon within a period of eight weeks from the date of receipt of a copy of the order. In furtherance thereto, the Fourth Respondent by order in Na.Ka.No.K4/3953/2019(Po.Va) dated 28.05.2019, held that the land sought by the Petitioner had been vested with the Tamil Nadu State Bhoodan Yagna Board under the Tamil Nadu Bhoodan Yagna Act, 1958, and as per clause (1) of Section 19 of that Act such land could not be granted except to a landless poor person who is able and willing to cultivate the land or to a houseless poor person as house-site, and as the Petitioner does not fall under any of those categories, rejected the claim made. Aggrieved thereby, the Petitioner has filed this Writ Petition.

3. Learned Counsel for the Petitioner submits that in view of the amendment made to the Tamil Nadu Boodan Yagna Act, by Act 37 of 2000, the Government of Tamil Nadu, on the recommendation of the Tamil Nadu State Bhoodan Yagna Board, is empowered to grant any land vested in that Board to any person or Institution for any public purpose, subject to such conditions as they deem fit, after collecting double the market value of such land.

4. In view of the aforesaid provision, Learned Counsel for the Petitioner seeks permission of this Court to withdraw this Writ Petition with liberty to the Petitioner to make a fresh application under clause (3) of Section 19 of the Tamil Nadu Bhoodan Yagna Act, 1958, and has made an endorsement to that effect, which is recorded. It is made clear that no view has

been exposed by this Court on the correctness or entitlement of the claim made by the Petitioner in that regard.

5. Accordingly, this Writ Petition is dismissed as withdrawn granting such liberty. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vjt/ta

To

1. The Chief Secretary,
Government of Tamil Nadu,
Revenue Department,
Secretariat, Chennai-9.
2. The Thasildar,
Sulur Taluk Office,
Coimbatore District.
3. The District Collector,
District Collector Office,
Coimbatore District.
4. The Director,
Land Reforms Development /
Bhoodhan Board, Ezhilagam, Chempauk,
Chennai-600 005.

+1cc to Mr.S.Parthasarathy, Advocate, S.R.No.13230

+1cc to the Government Pleader, High Court, Madras. S.R.No.14225

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BR(CO)
KKV/10/06/2020