



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2020

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P. (MD) No.407 of 2020

WEB COPY

M.Kanimurugan

... Petitioner

vs.

1.The District Collector,
Madurai District, Madurai.

2.The Revenue Divisional Officer,
Melur Revenue Division,
Madurai District.

3.The Tahsildar,
Madurai East Taluk,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the 1 to 3 respondents to issue assignment patta in Survey No.183/3 in Meenakshipuram 1 Bit Village, Madurai East Taluk, Madurai under Ex-servicemen category as per the RSO 15(24)(3) of Revenue Standing Order based on petitioner's representation, dated 26.07.2019.

For Petitioner : Mr.Raja Karthikeyan

For Respondents : Mr.A.Thiyagarajan
Government Advocate

O R D E R

This Writ Petition is filed for issuing a Writ of Mandamus to direct the 1 to 3 respondents to issue assignment patta in Survey No.183/3 in Meenakshipuram 1 Bit Village, Madurai East Taluk, Madurai under Ex-service category as per the RSO 15(24)(3) of Revenue Standing Order based on petitioner's representation, dated 26.07.2019.

2.The petitioner has produced before this Court certain records to show that the petitioner's family members are

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cultivating certain lands measuring to an extent of 5 Acres in Survey No.183/3 in Meenakshipuram 1 Bit Village, Madurai East Taluk, Madurai, out of total extent of 18.49.5 Hectares. Though the petitioner states that he is in possession and enjoyment of the property, in his representation, it is admitted by the petitioner that he was in service in Indian Military and he was discharged on 31.08.2018 on medical grounds. Even before the petitioner was discharged, it is seen that the petitioner has made representation to the revenue authorities that the petitioner is entitled to get assignment under Ex-Service Man quota.

3.The petitioner is not entitled to any concession, as a person belonging to ex-service man category in the matter of assignment of lands. In such circumstances, the petitioner's contention that he is entitled to get assignment under ex-service man category by taking into consideration his enjoyment along with his family members, cannot be considered. It is stated that the property, which is in enjoyment of petitioner or his family members, has been classified as assessed waste and therefore, there may be rival claim by somebody, who might have paid land revenue or tax, even before the land was taken over by the Government under any enactment.

4.Going by the representation submitted by the petitioner, this Court is unable to see any privilege or indulgence that can be shown to the petitioner, as a person serving our nation in the Military. However, after the petitioner's discharge from service, it is open to the petitioner to approach the respondents for assignment, in case, such assignment is permissible in terms of revenue standing orders or Government guidelines. However, assignment of particular land can be considered after holding enquiry and after inspection.

5.The petitioner is permitted to submit fresh representation to the respondents for assignment of land in favour of the petitioner. On receipt of such representation, the third respondent shall consider the representation of the petitioner and pass appropriate orders on merits and in accordance with law after enquiry and verification of records within a period of twelve weeks from the date of receipt of such application. The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

1.The District Collector,
Madurai District, Madurai.

2.The Revenue Divisional Officer,
Melur Revenue Division,
Madurai District.

3.The Tahsildar,
Madurai East Taluk,
Madurai District.

+1 CC to M/s.RAJA.KARTHIKEYAN, Advocate (SR-3159[F] dated 27/01/2020)

+1 CC to M/s.SPL.GP (SR-3163[F] dated 27/01/2020)

W.P. (MD) No.407 of 2020
23.01.2020

NA(CO)
TR(11.02.2020)3P 6C