

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
Dated : 26.02.2021  
C O R A M  
The Hon'ble Mr. Justice SENTHILKUMAR RAMAMOORTHY

Writ Petition No.12149 of 2009  
and  
M.P.No.1 of 2009

1. Gnanaprakasam, Son of Sambhasiva Reddiar  
2. Prema, Wife of Gnanaprakasam ...  
Petitioners

vs.

1. The District Collector,  
Cuddalore District.  
2. The Revenue Divisional Officer,  
Cuddalore.  
3. The Tahsildar, Cuddalore  
4. The Special Officer,  
T.N. Boomidhan Board and Director of Land Reforms,  
Ezhilagam, Chempauk, Chennai-5  
(R4-Impleaded suo motu as per order dated  
09.06.2010 ) ... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorari to call for the records on the file of the 1<sup>st</sup> respondent in Na.Ka.Vi.24113-2008 and dated 20.05.2009 and quash the same as illegal, incompetent and without jurisdiction.

For Petitioners : Mr.Avinash for  
M/s.V.Raghavachari  
For Respondents : Ms.R.J.Radhika, G.A.

O R D E R

The Petitioner challenges an order dated 20th May 2009 of the first Respondent. By the said order, the Petitioner's offer of an alternative site was rejected and it was concluded that the Petitioner was unable to establish ownership rights over the disputed land.

2. While the writ petition was pending adjudication, the third Respondent herein, namely, the Tahsildar, Cuddalore, affirmed an affidavit dated 25.02.2021. In paragraph 6 of the said affidavit, it is stated that the Committee of the Members of the Bhoomidhan Board inspected the land and also considered the offer made by the Petitioners to provide alternative land. Upon consideration thereof, the Committee of the Members of Bhoomidhan Board submitted a report to the Bhoomidhan Board and the Bhoomidhan Board, in its meeting on 23.02.2011, agreed to accept the alternative land offered by the Petitioners herein.

3.Paragraphs 6 and 7 of the affidavit dated 25.02.2021 are set out below:-

"6. It is humbly submitted that on the basis of the order dated 23.04.2008, a committee consisting of Mr.Tvl. S.S.Narayanan and Mr.R.Ramachandran who were the Members of Bhoomidhan Board inspected the said land. During inspection, the petitioners herein and V.Ramchandran Reddiar Son of Venkatasamy Reddiar have promised to give alternate land to an extent of 0.45 Acres in Survey No.16/7 of Malayaperumal Agaram Village to Bhoomidhan Board in alternate to the land in New Survey No.90/3C and Old Survey No.233/3 in Malayaperumal Agaram Village, Cuddalore Taluk, Cuddalore District admeasuring an extent of 0.33 Acre.

7. It is submitted that the above said Committee submitted a report to Bhoominadhan Board and the Bhoominathan Board in its Board meeting held on 23.02.2011 had accepted the alternate land to be given by the petitioners herein. Since the Bhoominathan Board, 4<sup>th</sup> Respondent had accepted the alternate land, the respondents herein have no objection in accepting the said alternate land in Survey No.16/7 of Malayaperumal Agaram Village to an extent of 0.45 Acres belonging to Venkatasamy Reddiar Son of Ramachandran. It is pertinent to state that the Petitioners and the legal heirs of Venkatasamy Reddiar ought to give an undertaking that necessary documents and deeds to be executed in favour of the Tamilnadu Boomidhan Board conveying the alternate land in Survey No.16/7 of Malayaperumal Agaram Village to an extent of 0.45 Acres.)"

4. In light of the statements made in the affidavit referred to above, the order dated 20.05.2009 cannot be sustained. Consequently, the the order of the 1<sup>st</sup> respondent, dated 20.05.2009, is hereby quashed. Instead, Respondents 3 and 4 herein are directed to act in accordance with and in furtherance of the statements made in paragraphs 6 and 7 of the affidavit dated 25.02.2021 of the Tahsildar, Cuddalore, and complete the entire process of accepting the alternative land and permitting the Petitioner to retain the land, which is the subject matter of these proceedings, within a period of three months from the date of receipt of a copy of this order.

5. In the result, W.P.No.12149 of 2009 is disposed of on the above terms. Consequently, connected M.P. is closed. There shall be no order as to costs.

Sd/-  
Asst.Registrar (CS III )

/true copy/  
Sub Asst. Registrar

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To

1. The District Collector,  
Cuddalore District.
2. The Revenue Divisional Officer,  
Cuddalore.
3. The Tahsildar, Cuddalore
4. The Special Officer,  
T.N. Boomidhan Board and Director of Land Reforms,  
Ezhilagam, Chepauk, Chennai-5

+1 cc to M/s.V.Raghavachari Advocate sr12480

+1 cc to the Government Pleader sr12820

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