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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.23221 of 2013
and M.P.No.1 to 3 of 2013

R. Chandiraiyan ... Petitioner

Vs

1. Government of Tamil Nadu
Represented by its Secretary
Revenue Department,
Fort St. George, Chennai.
2. The District Collector,
Kancheepuram,
Kancheepuram District.
3. The District Revenue Officer,
Kancheepuram,
Kancheepuram District.
4. The Revenue Divisional Officer,
Chengalpattu,
Kancheepuram District.
5. The Tahsildar,
Chengalpattu,
Kancheepuram District.
6. The Tahsildar,
Thirupporur Taluk,
Kancheepuram District.

... Respondents

Prayer : Writ Petition has been filed under Article 226 of the Constitution of India, to issue a Writ of CERTIOARIFIED MANDAMUS to call for the records pertaining to the 2nd respondent's in



Na.Ka.36138/09/B1, dated 22/07/2013 and quash the same and direct the respondents to allot the land to the petitioner, measuring 1.42.0 hectares, comprised in S.No.81 A/13 situated at Kezhakottaiyur Village, Thirupporur Taluk, Kancheepuram District under Ex-Service man quota.

For Petitioner : Mr. S.Gopinathan
For Respondents : Mr. M.R. Gokul Krishnan,
Government Advocate

O R D E R

This writ petition has been filed to issue a Writ of Certioarified Mandamus to call for the records pertaining to the 2nd respondent's in Na.Ka.36138/09/B1, dated 22/07/2013 and quash the same and direct the respondents to allot the land to the petitioner, measuring 1.42.0 hectares, comprised in S.No.81 A/13 situated at Kezhakottaiyur Village, Thirupporur Taluk, Kancheepuram District under Ex-Service man quota.

2. The case of the petitioner is that he is an Ex-servicemen. Originally he occupied the land comprised in S.F. No.148/31C situated at Melakottaiyur Village. Therefore, he sought for assignment of the said land in his favour. He also filed writ petition before this Court in W.P.No.23285 of 2009 and this Court by an order dated 24.11.2009 directed the first respondent to consider his representation and pass orders on the same. As directed by this Court, the sixth respondent considered his representation and rejected the claim of the petitioner. Aggrieved by the same, the petitioner also filed writ petition before this Court in W.P.No.18532 of 2011. The Hon'ble Division Bench of this Court by an order dated 14.11.2011 dismissed the writ petition for the reason that the said land which was encroached by the petitioner was already leased out by the State Government to Indian Institute of Information Technology and Manufacturing.

3. While dismissing the writ petition, this Court observed that if the petitioner vacates the land and withdraw the suit filed by him in O.S.No.399 of 2009, pending on the file of the District Munsif Court, Chengalput within a period of four weeks, the second respondent is directed to consider the request of the petitioner to allot the land in some other place.



Accordingly, the petitioner withdraw the suit and vacated the said land. Thereafter, he requested the authorities concerned for allotment of an alternative site for assignment.

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4. Accordingly, the fifth respondent, by its communication dated 21.11.2012 recommended for assignment in respect of the land comprised in Survey No.81/A/13 admeasuring 2.00.5 Hectares in favour of the petitioner in support of the report sent by the Revenue Inspector. Accordingly, the paper publication was published for objections, if any, from the General Public. Thereafter, by the Communication dated 13.12.2012 the fourth respondent herein also recommended for assignment and issuance of patta in favour of the petitioner. He also enclosed the field inspection report. Accordingly, the fifth respondent by a communication dated 28.03.2013 to the Higher Revenue Officials sub divided the said property to an extent of 1.42.0 Hectares and sent a report.

5. On receipt of the same, again the fourth respondent raised queries with regard to the income of the petitioner and the other property owned by the petitioner etc. On receipt of the same, again the sixth respondent by its communication dated 21.06.2013 stated that the petitioner is earning yearly income of Rs.1,00,000/- by doing the business of Hallow Block Cement as Stones. The said report also revealed that there is a ban, as directed by the Division Bench of this Court considered the request of the petitioner on the said ground.

6. In fact, the sixth respondent along with the said report annexed the field inspection report and sub division report. All the reports were received and the fourth respondent by a communication dated 28.06.2013 recommended the case of the petitioner for assignment and issuance of patta in respect of the land comprised in Survey No.81/A/13 admeasuring 1.42.0 Hectares classified as Kallankuthu poramboke in favour of the petitioner. On receipt of the same, the second respondent passed impugned order dated 22.07.2013 rejecting the request of the petitioner for the reason that the said land is situated in the belt area namely the Chennai City belt area.

7. When this Court raised question, that whether the petitioner is ready and willing to pay the market value of the said land for assignment?



8. The learned counsel for the petitioner would submit that the petitioner is ready and willing to pay the market value as fixed by the second respondent.

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9. Considering the said submission, the order passed by the second respondent is set aside. The request of the petitioner is remanded back to the second respondent for fresh consideration. It is made clear that the second respondent is directed to fix the market value prevailing at present for the land comprised in Survey No.81/A/13. If the petitioner is ready and willing to pay the market value fixed by the second respondent, the petitioner is directed to file his declaration about his yearly income and the property possessed by him and details of his family members. After satisfaction of the declaration submitted by the petitioner and acceptance of value fixed by the second respondent, the second respondent is directed to pass orders to assign the said land in favour of the petitioner.

10. Accordingly, this writ petition is allowed. No order as to costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar

rna/rgi

To

1. The Secretary to Government,
Revenue Department,
Fort St. George, Chennai.
2. The District Collector,
Kancheepuram,
Kancheepuram District.



3. The District Revenue Officer,
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4. The Revenue Divisional Officer,
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5. The Tahsildar,
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Kancheepuram District.

6. The Tahsildar,
Thirupporur Taluk,
Kancheepuram District.

+1CC to The Government Pleader, SR.No. 48507

W.P.No. 23221 of 2013
and M.P.No. 1 to 3 of 2013

PL(CO)
B.VC (12/10/2021)