



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2021

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.29974 of 2016

and

W.M.P.No.25941 of 2016

K.Madhaiyan

...Petitioner

Vs

1.The Collector,
Krishnagiri District,
Krishnagiri.

2.The Joint Registrar of Cooperative Societies,
Krishnagiri.

3.The Tahsildar,
Uthangarai Taluk,
Uthangarai.

4.Kallavi Primary Agricultural Co-operative
Loan Society,
Kallavi Village, Uthangarai Taluk,
Krishnagiri District, rep.by its
President.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to consider and pass orders on the representation of the petitioner dated 28.3.2016 and till then not to permit the 4th respondent from putting up any construction in the above land in S.No.37/2 of Panamarathupatti Village, Uthangari Taluk to the extent of 0.29.0 Hectares.

For Petitioner : Mr.S.Doraisamy

For Respondents : Mr.C.Kathiravan
Government Advocate
[For R1 to R3]

R4 - Mr.L.P.Shanmugasundaram



O R D E R

The relief sought for in the present writ petition is for a direction to direct the 1st respondent to consider and pass orders on the representation of the petitioner dated 28.3.2016 and till then not to permit the 4th respondent from putting up any construction in the above land in S.No.37/2 of Panamarathupatti Village, Uthangari Taluk to the extent of 0.29.0 Hectares.

2. The said representation reveals that it was submitted by the people of the village. On behalf of the public, the petitioner has submitted the representation to the Hon'ble Chief Minister, District Collector, Joint Registrar of Co-operative Societies and Tahsildar. No doubt, the representation is a common representation sent on behalf of the people of that village.

3. However, the third respondent filed a counter affidavit, stating that the question of considering such representation does not arise, in view of the fact that the land in S.No.37/2 measuring 0.29.0 Hectare of land in Panamarathupatti Village in Uthangarai Taluk has been classified as Anadhinam in Government records. The Anadhinam means Government waste land. The subject land belongs to State Government and does not belong to anybody. The said land is laying waste for the past 50 years and there is no Temple as stated by the petitioner is functioning in the subject land. No Festival activity is being organized in the subject land. The Kallavi Primary Agriculture Co-operative Society is at present functioning in a private building in Panamarathupatti Village. The said Society is a Government undertaking, the Government has proposed to construct a permanent pucca building for the above society. At present, the society is distributing agriculture loan, jewel loan and also running a fair price shop. Thus, the society is rendering services to the villagers of Panamarathupatti Village. The 1st respondent has taken steps to allot Government land to construct a permanent building to the said society. Since no suitable lands are available in the vicinity, the land in S.No.37/2 has been selected for the construction of the society building. It is a welfare scheme of the Government.

4. In view of the fact that there is a difference of opinion between the petitioner and the President of the Kallavi Primary Agriculture Co-operative Society, the petitioner is attempting to litigate the issues unnecessarily. Further, the land is a Anadhinam land and vests with the Government and therefore, the Government is entitled to take a policy decision for the welfare of the public at large. The Government is not utilizing for any private purposes. The said Government land is proposed to be utilized for the welfare of the people of that locality and such



measures taken by the respondents cannot be prevented by the petitioner on account of certain disputes between the villagers.

5. This being the factum, this Court is of an opinion that the petitioner has not established any right even to issue a direction to consider the representation. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1.The Collector,
Krishnagiri District,
Krishnagiri.

2.The Joint Registrar of Cooperative Societies,
Krishnagiri.

3.The Tahsildar,
Uthangarai Taluk,
Uthangarai.

4.The President,
Kallavi Primary Agricultural Co-operative
Loan Society,
Kallavi Village, Uthangarai Taluk,
Krishnagiri District.

+1 cc to Mr.S.Doraisamy, Advocate Sr.NO.48450
+1 cc to Government Pleader Sr.NO. 49500

W.P.No.29974 of 2016

NRL (CO)
A.SK(13.10.2021)