

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.14306 of 2020

A.Radhakrishnan

... Petitioner

Vs.

1. The Secretary to Government
Home Department
Secretariat
Chennai 600 009.
2. The Secretary to Government
Rural Development and Panchayatraj Department
Secretariat, Chennai 600 009.
3. The Secretary to Government
Commercial Tax Department
Secretariat
Chennai 600 009.
4. The Director General of Police
Dr.Radhakrishnan Salai Road
Chennai 600 004.
5. The Director
Rural Development and Panchayat Raj Department
Chennai 600 034.
6. The Inspector General of Registration
100, Santhome High Road
Chennai 600 028.
7. The District Collector
Namakkal.
8. The Deputy Inspector General of Police
Hasthampatty
Salem 636 007.

9. The Deputy Inspector General of Registration
3rd Floor, Collectorate Campus
Salem 636 001.

10. The Assistant Director of Panchayat
Namakkal.

11. The Tahsildar
Rasipuram.

12. The President
Kurukupuram Panchayat
Rasipuram Panchayat Union
Namakkal District.

... Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for a writ of Mandamus directing the respondents to take appropriate action in accordance with law wherever the division done and thereby use the lands for any other purpose than the one specified in the sanctioned layout or in a development plan or master plan by the concerned authorities by considering petitioner's representation dated 22.08.2020.

For Petitioner : Mr.A.Radhakrishnan
Party-in-Person

For Respondents : Mr.V.Jayaprakash Narayanan
State Govt. Pleader
Assisted by
Ms.R.J.Radhika
Govt. Advocate

ORDER

(Made by SENTHILKUMAR RAMAMOORTHY, J)

The writ petitioner complains about the misuse of lands that are owned by or entrusted to the Government, Municipalities or other local authorities.

2. In order to substantiate his contentions, the writ petitioner has drawn reference to a registered gift deed of 10th May 2002 in favour of the twelfth respondent. He alleges that the gifted lands were converted into house sites and sold to various persons in violation of the lay out approval sanctioned by the Kurukupuram Panchayat. In response, learned Government Advocate admits that an irregularity occurred with regard to the use of the said gifted lands and that necessary remedial action has been taken by cancelling the sale in favour of third parties.

3. The party-in-person contends that he has cited the above mentioned case merely for illustrative purposes and that the misuse of public lands is taking place rampantly across the State of Tamil Nadu. He also states that if he is permitted, he will submit a fresh representation citing further instances of such misuse. However, he points out that he cannot unearth all instances of such misuse of public lands and that the Government and local authorities should take necessary steps to curb such misuse.

4. Accordingly, the petitioner is permitted to submit a fresh representation to the Tahsildar or the local government authority concerned, bringing to their notice instances of misuse of public land. Upon receipt of such fresh representation, the authorities concerned are directed to consider the same and dispose of such representation by a speaking order, within a period of eight weeks from the date of receipt thereof. In case the authorities find that the allegations of the petitioner are valid, necessary remedial action should be taken at the earliest, in accordance with law, after providing a reasonable opportunity to all the affected parties.

5. The official respondents herein cannot abdicate the responsibility of taking necessary action to preserve and protect public lands and react only when instances of this nature are brought to their attention by way of public interest litigation. Therefore, it is expected that all necessary steps would be taken and a proper system would be put in place to ensure that public lands are not misused or subjected to misappropriation by private parties.

W.P.No.14306 of 2020 is disposed of on the above terms. There will be no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

kpl

To

1. The Secretary to Government
Home Department
Secretariat, Chennai 600 009.

2. The Secretary to Government
Rural Development and Panchayatraj Department
Secretariat, Chennai 600 009.
3. The Secretary to Government
Commercial Tax Department
Secretariat, Chennai 600 009.
4. The Director General of Police
Dr.Radhakrishnan Salai Road
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5. The Director
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7. The District Collector, Namakkal.
8. The Deputy Inspector General of Police
Hasthampatty
Salem 636 007.
9. The Deputy Inspector General of Registration
3rd Floor, Collectorate Campus
Salem 636 001.
- 10.The Assistant Director of Panchayat, Namakkal.
- 11.The Tahsildar, Rasipuram.
- 12.The President
Kurukupuram Panchayat
Rasipuram Panchayat Union
Namakkal District.

+1cc to the Government Pleader, S.R.No. 13148

MP(CO)
GN(16/03/2021)

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