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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2021

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.17746 of 2021

and

W.M.P.No.18921 of 2021

C.Maadhan

...Petitioner

Vs

1. The Director of Rural Development &
Village Panchayat,
Chennai - 600 015.

2. The District Collector,
Erode - 638 011,
Erode District.

3. The Revenue Divisional Officer,
Gobichettipalayam,
Erode District.

4. The Special Officer,
Bhoodan Yagna,
Exhilagam,
Chennai - 600 005.

5. The Bhoodan Inspector,
Erode District,
Erode - 638 011.

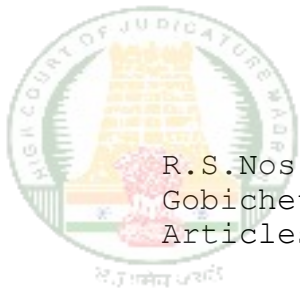
6. Navamani Kandasamy,
District Chairperson of Panchayat,
Erode - 638 011,
Erode District.

7. Janaki

8. Periyasamy

...Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents 1 to 3 and 6 to 8 from interfering with his right to property over the Bhoodan lands measuring 0.72.5 Hrs., in



R.S.Nos.367/2 and 379/2, Kongarpalayam Village,
Gobichettipalayam Taluk, Erode District, in violation of
Articles 14, 21 and 300A of the Constitution.

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For Petitioner : Mr.N.Manokaran

For Respondents : Mr.M.Muthusamy
Government Advocate (for R1 to R5)

: Mr.P.Rajavel (for R6)

ORDER

This writ petition is filed to issue a Writ of Mandamus to forbear the respondents 1 to 3 and 6 to 8 from interfering with his right to property over the Bhoodan lands, ad-measuring an extent of 0.72.5 hectares, comprised in R.S.Nos.367/2 and 379/2, situated at Kongarpalayam Village, Gobichettipalayam Taluk, Erode District, in violation of Articles 14, 21 and 300-A of the Constitution of India.

2. The properties comprised in R.S.Nos.367/2 and 379/2 ad-measuring an extent of 0.72.5 hectares, situated at Kongarpalayam Village, Gobichettipalayam Taluk, were assigned in favour of the petitioner's father viz., Chinna Maran under the Tamil Nadu Bhoodan Yagna Act, 1958 (hereinafter referred to as 'the Bhoodan Act' for short). The petitioner belonged to Scheduled Tribe Community and his forefathers were living at the foothills of Sathyamangalam Forest. After demise of his father, the petitioner is in possession and enjoyment of the same. The petitioner had put up a thatched shed and all the family members are living there. The petitioner is also regularly paying tax for the subject land from the year 1987 to 2011. Thereafter, the Government had taken a decision not to collect "Kist" for the Bhoodan properties. While that being so, the respondents 6 to 8 came to the subject properties and measured the same with the help of a surveyor to put up a water tank and other constructions on behalf of the respondents 6 to 8 herein. Further, the benevolent provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, enabled the affected SC/ST people to complain against infringement of their life and also property. Without considering the same, the respondents 6 to 8 entered into the subject properties and compelled to evict them from the subject property without having any right over the property. In fact, the petitioner also submitted applications repeatedly for issuance of Patta, Chitta and Adangal etc.



3. The third respondent filed counter affidavit, from which it reveals that, on a perusal of the Village Accounts, one of the said lands comprised in R.S.No.379/2 ad-measuring an extent of 0.44.0 hectares, is classified as Ryot-Punjai and registered in the name of the Tamil Nadu Boodhan Board, Chennai, vide Patta No.527. The second respondent accorded administration sanction to erect a, over-head tank with capacity of 10,000 Liters in Vinobha Nagar in the jurisdiction of Kongarpalayam Panchayat, Gobichettipalayam Taluk, Erode District for the extension of the drinking water facilities to the general public. For implementing the said scheme, the seventh respondent has requested the Village Administrative Officer, Kongarpalayam to allot a suitable land to construct the over-head tank. In view of the same, already the over-head tank was erected by the local Panchayat for drinking water facility in the subject land and decided to construct a water tank in the subject land. Though the said land was assigned in favour of the petitioner's father, they are doing agricultural in the subject land without obtaining the Distribution Bond from the Boodhan Board. The Boodhan land is distributed to the landless poor for agricultural purposes through the Distribution Bond issued by the authorities of the Boodhan Board. The Boodhan land is being distributed to the landless poor for enjoying the land for cultivation and to derive income for their livelihood, but nobody deserves right over the Boodhan Land to seek patta. The petitioner or his father did not obtain any Distribution Bond for the subject land. Therefore, without the Distribution Bond, the petitioner's claim for the possession of the Boodhan land, is against the Bhoodan Act.

4. Admittedly, the petitioner's father was allotted the subject land under the Bhoodan Act and it is also evident from the Kist receipts produced by the petitioner from 04.11.1987 to 03.05.2011. After demise of the petitioner's father, the petitioner is in possession and enjoyment of the same and doing the agriculture along with his family members. Already, the seventh respondent erected an over-head tank near the petitioner's hut in the subject land. That apart, the Electricity Board also erected transformer in the subject land. In spite of that, again the sixth respondent tried to put up another water tank in the petitioner's land. The petitioner is a poor agriculturist belonging to Scheduled Tribe community and might not have known about the Distribution Bond for the subject land.

5. In view of the above discussion, the respondents are directed not to interfere with the peaceful possession and enjoyment of the subject property by the petitioner comprised in R.S.Nos.367/2 and 379/2, ad-measuring an extent of 0.72.5 hectares situated at Kongarpalayam Village, Gobichettipalayam



Taluk, Erode District. The petitioner is directed to approach the fourth and fifth respondents for issuance of Distribution Bond for the subject land within a period of two weeks from the date of receipt of a copy of this order. On receipt of such request from the petitioner, the fourth and fifth respondents are directed to issue Distribution Bond to the petitioner in respect of the subject property.

6. In the result, this Writ Petition is allowed. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Director of Rural Development &
Village Panchayat, Chennai - 600 015.
2. The District Collector,
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Erode District.
3. The Revenue Divisional Officer,
Gobichettipalayam,
Erode District.
4. The Special Officer,
Bhoodan Yagna, Exhilagam,
Chennai - 600 005.
5. The Bhoodan Inspector,
Erode District, Erode - 638 011.

+1cc to Mr.N.Manokaran, Advocate, S.R.No.67426
+1cc to Mr.P.Rajavel, Advocate, S.R.No.67146
+1cc to the Government Pleader, S.R.No.67970

W.P.No.17746 of 2021

EV(CO)
RGA(06/01/2022)