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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.18512 of 2021

N.Nithya

... Petitioner

Vs

1. The Principal Secretary &  
Special Commissioner for land  
Administration,  
Chennai - 5.

2. The District Collector,  
Salem District,  
Salem.

3. The Revenue Divisional Officer,  
Athur,  
Salem District.

4. The Revenue Tahsildar,  
Gangavalli Taluk,  
Gangavalli,  
Salem District.

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to conduct land inspection and enquiry in pursuant to the representation given by the petitioner vide letter dated 24.06.2019 and to take appropriate action in accordance with the prevailing government rules within a stipulated time.

For Petitioner : Mr.T.P.Prabakaran

For Respondents: Mr.Yogesh Kannadasan  
Special Government Pleader

ORDER

This Writ Petition has been filed for issuance of Mandamus, directing the respondents to conduct land inspection and enquiry



in pursuant to the representation given by the petitioner vide letter dated 24.06.2019 and to take appropriate action in accordance with the prevailing government rules within a stipulated time.

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2. Heard, Mr.T.P.Prabakaran, learned counsel appearing for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondents.

3. The case of the petitioner is that the petition has been filed for direction directing the third respondent to consider the representation of the petitioner dated 24.06.2019 and pass orders as letter issued by the second respondent dated 09.09.2019 to the third respondent.

4. The fourth respondent filed a counter stating that the land comprised in survey No.337/7A and 337 in Naduvalur North Village, Gangavalli Taluk, Salem District was originally assigned to the grandfather of the petitioner, by a communication dated 28.08.1970 in the proceedings in AM No.58/1380 by imposing certain conditions. Later on, the assignee had not kept up the conditions of assignment, the land assignment made by the assignee was cancelled by the proceedings of the third respondent dated 14.07.1982 in ROC.No.11394/82/B6. Thereafter, the subject property were resumed to Government classified as 'Assessed Waste Dry'. Thereafter, the request made by the Joint Director of Agriculture, Salem, to provide the land, admeasuring to an extent of 0.58.5 hectares, for establishing the Integrated Agriculture Centre, the second respondent by an order dated 23.11.2020 in ROC.No.27260/2016/k2 transferred the land to set up Integrated Agriculture Centre and now the Agriculture Department is in possession and enjoyment of the same. Again the other land, resumed after cancellation of assignment, comprised in survey No.337/3A admeasuring to an extent of 0.60.5 hectares, classified as 'Assessed Waste Dry' and transferred the same in favour the Agriculture Department to set up a Seed Development Centre by the Government as per the order of the second respondent dated 12.08.2020 in ROC No.13436/2019/k2. Therefore, the representation of the petitioner cannot be considered, since the subject land already resumed back to the Government and also transferred in favour of the Agriculture Department.

5. The learned counsel for the petitioner would submit that on receipt of the application of the petitioner, the second respondent directed the third respondent to conduct enquiry on the representation of the petitioner dated 24.06.2019 and pass orders. However, the subject land already transferred in favour of the Agriculture Department for the purpose of establishing the Integrated Agriculture Centre and Seed



Development Centre by the Government. Therefore, no purpose would be served if such direction is issued to the third respondent. The writ petition is devoid of merits.

6. In the result, the writ petition stands dismissed.  
No costs.

Sd/-  
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Lpp

To

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Salem District.

+1cc to Mr.T.P.Prabakaran, Advocate, S.R.No.60312  
+1cc to the Government Pleader, S.R.No.60722

W.P.No.18512 of 2021

CP(CO)  
CT 05/01/2022