

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2021

CORAM

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

W.P. No. 27040 of 2019

S. Bhaskaran

...

Petitioner

Vs

1. The State of Tamil Nadu,
rep. by its Commissioner and Secretary,
Revenue Department, Fort St. George,
Chennai 600 009

2. The District Collector,
Namakkal District,
Namakkal 637 003

3. The District Revenue Officer,
Namakkal District Collectorate,
Pallipalayam, Namakkal District,
Namakkal 637 003

...

Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the second respondent to assign agricultural land to the petitioner as a serving member of the Armed Forces, to the extent of 10 acres of dry land or 5 acres of wet land or of lesser extent depending on the availability of the land either in Namakkal District or directing the 1st respondent to assign suitable agricultural land in any other districts within the State of Tamil Nadu, preferably in any of the neighbouring districts of Namakkal, in terms of the instructions contained in the G.O. Press No.1750 of the Revenue Department, dated 13.05.1963 issued by the 1st respondent.

For petitioner

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Mr. P. Ulaganathan

For respondents

...

Mr. Yogesh Kannadasan,
Government Advocate

ORDER

This writ petition has been filed seeking a direction to the 2nd respondent to assign agricultural land to the petitioner as a serving member of the Armed Forces.

2. According to the petitioner, the petitioner was

appointed as Jawan in the Armed Force and after various promotions, now he is working as an Assistant Commandor in Border Security Force. Earlier, in the year 2013, he made an application before the second respondent/District Collector for assignment of 10 acres of dry land or 5 acres of wet land as per G.O. Press No.1750 dated 13.05.1963. But, the said request was rejected by the authorities in the year 2014 on the ground that no suitable pooramboke land to an extent of 10 acres of dry land or 5 acres of wet land is available in Namakkal District. Thereafter, the petitioner restricted his claim for less than 10 acres and made a representation in the month of May 2014. But, that application is still pending. The petitioner has also made several representations from the year 2015 till 2019. The petitioner has approached the second respondent under RTA Act and it was responded that his application is under consideration. In the said circumstances, the present writ petition has been filed.

3. The learned counsel for the petitioner would submit that the petitioner is come under the category of serving member of Army, and as per Government Order, he is entitled for assignment. Even if the extent of 10 acres of land is not available, the petitioner is ready to accept the available land anywhere in Namakkal District or other District. He would also submit that the petitioner is going to retire and he is not having any other land for eating out his livelihood.

4. The learned counsel appearing for the respondents would submit that since 10 acres of land was not available in Namakkal District his application was rejected in the year 2014. Now, the petitioner is seeking for lesser area and his application is still under consideration.

5. Considering the facts and circumstances of the case and the petitioner's application is pending from the year 2014 and also considering the fact that petitioner is the serving member of Armed Forces and going to retire from service, the 2nd respondent is directed to consider the petitioner's application and pass suitable orders on merits and in accordance with law after giving opportunity to the petitioner within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

mrp

To

1. The Commissioner and Secretary,
Revenue Department, Fort St. George,
Chennai 600 009
2. The District Collector,
Namakkal District,
Namakkal 637 003
3. The District Revenue Officer,
Namakkal District Collectorate,
Pallipalayam, Namakkal District,
Namakkal 637 003

+1cc to Mr.P.Ulaganathan, Advocate, S.R.No. 30629
+1cc to the Special Government Pleader, S.R.No. 30839

W.P. No. 27040 of 2019

RP(CO)
GN(13/07/2021)



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