



BEFORE THE MADURAI BENCH OF MADRAS HIGH Court

DATED: 18.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WEB COPY

W.P. (MD)No.10284 of 2021
(Through Video Conferencing)

V.Vijayan

... Petitioner

Vs.

1.The District Collector
Theni District, Theni.

2.The Tahsildar,
Uthammapalayam Taluk
Theni District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the 3rd respondent to issue land in favour of the petitioner in Uthammapalayam Taluk, Theni District as per the proceedings dated 11.04.1950 and 30.12.1956 of the 1st respondent by considering petitioner's representation dated 02.06.2021.

For Petitioner : Mr.A.Joseph Jerry
For Respondents : Mr.S.Shanmugavel
Government Advocate (civil)

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the third respondent to consider the representation made by the petitioner on 02.06.2021, wherein the petitioner wants the subject property to be allotted to him based on the proceedings of the first respondent made during the years 1950 and 1956.

2. The case of the petitioner is that his grandfather was a freedom fighter, who had participated in the Quit India Movement called by Mahatma Gandhi. It is further stated that he underwent incarceration while fighting for the freedom of this Country. It is stated that the first respondent through proceedings issued in the year 1950 and 1956, had intended to allot the subject property in favour of the grandfather of the petitioner. The same did not go through and ultimately the grandfather of the petitioner died in the year 1960. The father of the petitioner also died in the year 1995. The grandson, namely, the petitioner now wants to take advantage of the proceedings of the years 1950 and 1956 and wants the land to be assigned in his favour.



3. Heard the learned counsel for the petitioner and the learned Government counsel appearing on behalf of the respondents.

4. In the considered view of this Court, this Court does not find any merit in the claim made by the petitioner. A freedom fighter, who was allotted the property, did not really care to get the property during his lifetime. The petitioner, who is now aged about 56 years, wants to take advantage of the proceedings of the years 1950 and 1956 and wants the property to be assigned in his favour. Such a claim made by the petitioner can never be entertained and no useful purpose will be served in directing the respondents to consider the representation made by the petitioner.

5. In the result, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RR

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Collector
Theni District, Theni.

2.The Tahsildar,
Uthammapalayam Taluk
Theni District.

+1 CC to M/s.SPL GP (SR-19775[F] dated 21/06/2021)

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18.06.2021

SJ(CO)

TR(25.06.2021) 2P 4C