



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE **M.M. SUNDRESH**

AND

THE HONOURABLE MRS. JUSTICE **S. ANANTHI**

**W.P. (MD) Nos. 18208 of 2019, 10244, 10810, 9547 & 8982 of 2020
and**

**W.M.P. (MD) Nos. 14645, 14648 of 2019, 3685, 8210, 9133, 9138, 9141,
9518, 9519, 13335 & 15980 of 2020**

W.P. (MD) No. 18208 of 2019:

R. Jeyalakshmi

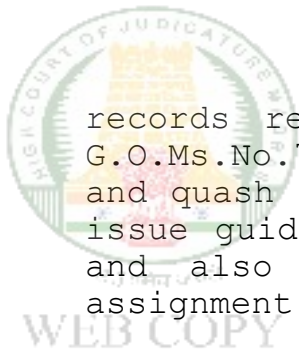
: Petitioner

Vs.

1. The Secretary to Government,
Revenue & Disaster Management Department,
Land Disposal Wing, LD1 (2) Section,
Fort St. George,
Chennai - 9.
 2. The Commissioner of Land Administration,
Chennai - 5.
 3. The District Collector,
Office of the Collectorate,
Madurai District.
 4. The Public Relations Officer,
O/o. The District Collector Campus,
Madurai.
 5. The Tamil Nadu Television News Reporter & Cameraman Association,
No. 213, East Veli Street, Madurai - 1.
 6. The Madurai Reporters Guild,
71, Press Colony,
Mattuthavani, Madurai - 7.
 7. The Madurai Press Reporters Association
and Media Personnel,
Madurai Corporation,
Tallakulam, Madurai - 2.
- : Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorari calling for the

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records relating to the impugned order of the 1st respondent in G.O.Ms.No.76, dated 28.02.2019 and G.O.Ms.No.77, dated 28.02.2019 and quash the same and consequently, directing the 1st respondent to issue guidelines for allotment of house sites to the media persons and also to consider the request of the petitioner for the assignment of lands for the press persons.

For Petitioner : Mr.N.Dilip Kumar

For Respondents : Mr.K.Chellapandian,
Additional Advocate General
Assisted by
Mr.K.P.Krishnadoss,
Special Government Pleader
for R.1 to R.4

Mr.Ajmal Khan,
Senior Counsel
for M/s.Ajmal Associates for R.6

Mr.R.Gandhi for R.7

W.P. (MD) No.10244 of 2020:

J.R.Suresh

: Petitioner

Vs.

1.The Secretary to Government,
Revenue & Disaster Management Department,
Land Disposal Wing, LD1 (2) Section,
Fort St.George,
Chennai - 9.

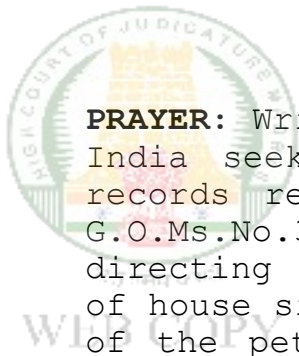
2.The Commissioner of Land Administration,
Chepauk,
Chennai - 5.

3.The District Collector,
Office of the Collectorate,
Madurai District.

4.The Tahsildar,
North Taluk,
Madurai District.

5.The Madurai Reporters Guild,
71, Press Colony,
Mattuthavani,
Madurai - 7.

: Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus calling for the records relating to the impugned order of the 1st respondent in G.O.Ms.No.329, dated 02.07.2020 and quash the same and consequently, directing the respondents 1 to 4 to issue guidelines for allotment of house sites to the media persons and also to consider the request of the petitioner for the assignment of free or consensual house sites at Tallakulam Village in S.No.134/4.

For Petitioner : Mr.R.Shankar Ganesh

For Respondents : Mr.K.Chellapandian,
Additional Advocate General
Assisted by
Mr.K.P.Krishnadoss,
Special Government Pleader
for R.1 to R.4

Mr.Ajmal Khan,
Senior Counsel
for M/s.Ajmal Associates for R.5

W.P. (MD) No.10810 of 2020:

Tamil Nadu Union of Journalists,
Regn.No.2016/1990, Rep. through its Joint Secretary,
A.Kartheeswaran : Petitioner

Vs.

- 1.The Additional Chief Secretary to Government,
Revenue & Disaster Management Department,
Land Disposal Wing,
Secretariat,
Chennai.
- 2.The District Collector,
Madurai District,
Madurai.
- 3.The Information and Public Relation Officer - Madurai,
District Collectorate Complex,
Madurai.
- 4.K.Maruthasala Moorthi
- 5.K.Kumarapandiyan
- 6.M.Saminathan



7.S.Srinivasan

8.P.Murugan

9.K.M.Dharmarajan

10.S.Krishnamoorthi

11.Sanmuga Suntharam

12.S.Sathiqbasha

13.O.Murugan

14.P.Selvakumar

15.P.Vijayakumar

16.K.Duraisami

17.T.Saravanan

18.K.Balamurugan

19.V.Jeyapandiyan

20.S.Jamesh Egneshious Thamaniraj

21.S.Jaahirussain

22.A.Oliraja

23.P.Sunthrapandiyan

24.S.J.Ithaya

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus calling for the records relating to the impugned order of the 2nd respondent in Na.Ka.No.19545/2019/J4, dated 03.08.2020 and quash the same and consequently, directing the 2nd respondent to allot the housing sites to the eligible and qualified reports as per the seniority and Bus Pass list of the year 2019 maintained by the District Collector and also issue Id card for all the Bus Pass Holders by considering the petitioner's representation dated 24.08.2020.

For Petitioner : Mr.H.Haja Mohideen



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For Respondents : Mr.C.Ramesh,
Special Government Pleader
for R.1 to R.3

Mr.Ajmal Khan,
Senior Counsel
for M/s.Ajmal Associates for R.4 to R.24

W.P. (MD) No. 9547 of 2020:

M.Udhaya Singh : Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Revenue & Disaster Management Department,
Land Disposal Wing, LD1 (2) Section,
Secretariat, Chennai - 9.

2.The Principal Secretary,
Commissioner of Land Administration,
Chepauk, Chennai - 5.

3.The District Collector,
Madurai District,
Madurai.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the first respondent to allot one house site to the petitioner at S.No.134/4 at Tallakulam Village, Madurai North Taluk, Madurai District, pursuant to G.O.Ms.No.329, Revenue and Disaster Management Department, Land Disposal Wing [LD1(2)] Department, dated 02.07.2020, by considering the petitioner's representation dated 08.08.2020.

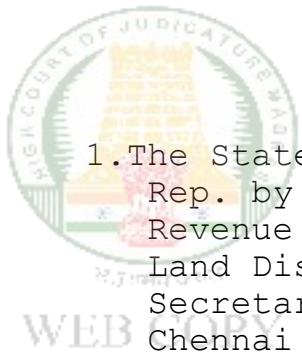
For Petitioner : Mr.R.Maheswaran

For Respondents : Mr.C.Ramesh,
Special Government Pleader

W.P. (MD) No. 8982 of 2020:

M.Chokkalingam : Petitioner

Vs.



1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Revenue & Disaster Management Department,
Land Disposal Wing, LD1 (2) Section,
Secretariat,
Chennai - 9.

2.The Principal Secretary
/ Commissioner of Land Administration,
Chepauk,
Chennai - 5.

3.The District Collector,
District Collectorate Campus,
Madurai District,
Madurai.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the first respondent to confirm the allotment made to the petitioner with regard to one house site at S.No.134/4 at Tallakulam Village, Madurai North Taluk, Madurai District in the light of the order passed by the 1st respondent in G.O.Ms.No.369, Revenue Nee.Mu.1(2) Department, dated 24.06.2008, by considering the petitioner's representation dated 23.07.2020.

For Petitioner : Mr.K.Raja
for Mr.A.Sivasubramanian

For Respondents : Mr.C.Ramesh,
Special Government Pleader

COMMON ORDER

(Order of the Court was made by **M.M.SUNDRESH, J.**)

Writ Petition in W.P.(MD)No.18208 of 2019 has been filed by the petitioner, who is also a member of the Press Club of Madurai, having made an application on 27.08.2010, seeking to quash the two Government Orders passed excluding her name, on the premise that they lack transparency.

2. Writ Petition in W.P.(MD)No.10244 of 2020 has been filed by the petitioner, whose name was though included in the proposal for grant of house site in the Government Order, but was not considered for want of application.

3. Writ Petition in W.P.(MD)No.10810 of 2020 has been filed by the Tamil Nadu Union of Journalists seeking to challenge the consequential order dated 03.08.2020, by which the allottees were



identified, on the premise that the seniority will have to be followed, after verifying with the list available with the District Collector, the Identity Card and the Bus Pass records.

4. Writ Petition in W.P. (MD) No. 9547 of 2020 has been filed by the petitioner seeking allotment on the ground that there are irregular allotments and therefore, his case has to be considered.

5. Writ Petition in W.P. (MD) No. 8982 of 2020 has been filed by the petitioner, who was found eligible and thereafter, not considered because of the fact that he became Assistant Public Prosecutor and in this case, a clarification is pending with the second respondent, as sought for by the third respondent dated 12.11.2020.

6. As all these writ petitions deal with the very same subject matter, they are accordingly taken up and disposed of by way of this common order.

7. In all these cases, the Government Orders passed facilitating the allotment of lands to the members of the Third Eye of the society, with the consequential allotment made, are questioned.

8. Insofar as W.P. (MD) No. 10244 of 2020 is concerned, the petitioner's case was in fact considered and forwarded, but unfortunately he did not make an application. Therefore, as fairly submitted by the learned Additional Advocate General, the case of this petitioner can be considered on his making an application, which we would like to permit to be made within a period of four weeks from the date of receipt of a copy of this order and thereafter, appropriate orders will have to be passed by the official respondents within a further period of six weeks.

9. In W.P. (MD) No. 18208 of 2019, the petitioner unfortunately shifted her job to Chennai and though she made an application earlier, which was also recommended by her employer, the present employer at Madurai did not recommend her case as against two other persons. Therefore, she is aggrieved.

10. In sum and substance, the learned Counsel appearing for the petitioners made the following submissions:

i) There is a total lack of transparency in the Government Orders passed, followed by the allotment order. Even in the Government Orders passed, there is no specific reference with respect to the disqualification and the verification made. In a State policy, wider circulation must be given calling for applications and there should be some transparency. A rejection cannot be made on the basis of residence.

ii) Various irregularities have been committed while making the allotments have been made in the name of the persons,



who are owning houses contrary to the conditions imposed and also in the names of dead persons. Therefore, the entire exercise will have to be redone.

iii) To buttress the submission, reliance has been made on the decision of the Hon'ble Supreme Court in **Akhil Bhartiya Upbhokta Congress v. State of Madhya Pradesh and Others**, reported in (2011) 5 SCC 29.

11. The learned Additional Advocate General appearing for the official respondents submitted that there is a procedure followed. Conditions are very clear to the effect that those who do not comply with are not entitled to. If any violations are brought forth, the same will be looked into by the official respondents. In fact, another exercise will be done by considering the others with respect to the unallotted plots. In the absence of any *mala fide*, no interference is required.

12. The learned Senior Counsel as well as the other learned Counsel appearing for the private respondents made their submissions in line with the submission made by the learned Additional Advocate General.

13. This Court paid it's anxious consideration to the rival submissions and also to the materials placed on record.

14. The request made was pending for more than a decade. The allotments are sought to be made on payment of costs. Now we are concerned with the allotments made within the Madurai District. It was preceded by a resolution of the Corporation. Applications were forwarded through various associations and organizations. The petitioners are members of one or other organization, except the petitioner in W.P.(MD)No.10810 of 2020, who has not challenged the Government Orders, but challenged the consequential allotment orders.

15. On perusal of the impugned orders, we find that there are sufficient safeguards made therein. We would only reiterate the following from the impugned Government Order:

"i) House Site Assignment shall be made only to the eligible press personnel.

ii) In the event of assignment, the assignee shall start construction of the house in the assigned land within a period of one year and the assignee alone shall reside in the house built. In the event of non-construction of house within a period of one year of allotment, the house site allotment will be revoked and land will be resumed back.

iii) The extent for assignment shall be restricted to three cents of land per beneficiary.

iv) The District Collector, information and Public Relation Officer shall verify the credentials of the press personnel like



salary certificate, ID issued by the bonafide News Agencies etc., and also to ensure that the beneficiary not having house site / house / land in nearby areas within a radius of 50 km from the proposed site and not availed home loan either by the beneficiary or by their family, belongs economically backward class by prescribed by the Government.

v) The assignee shall on prior permission from the concerned RDO and that too only after the expiry of ten years from the date of assignment can effect the sale or transfer or alienate or mortgage or lease out the land allotted.

vi) In the extent of any of the conditions set out for the assignment of land violated, then the assignment made to the individual shall be cancelled forthwith.

vii) In the event of cancellation of assignment for the violation of any of the conditions, compensation in any manner shall not be paid for the land or to the superstructure erected in the assigned land.

viii) The assignment shall come into effect, after remitting the land cost in the respective Government Head of Account.

ix) The expenses towards developing the pathway in the Adjacent house site patta land in T.S.No.9 and constructing a culvert in the PWD land in T.S.No.6 to make a pathway to the proposal land in T.S.No.5 shall be borne by the Madurai Press Reporters Association and Press and Media personnel."

16. The petitioners would not have approached this Court, had their name been considered. It appears for one reason or other, the petitioners' names were not considered. Until and unless we find legal malice, we cannot interfere with such matters. We are on the policy of the Government to make the allotment for a particular category of persons, namely, the Reports and Journalists. Such a classification, in fact, has not been challenged, but it is questioned only on the ground of lack of transparency. In the absence of any materials, we are not inclined to entertain the same. As stated supra, the petitioners would not have approached this Court, had their name been included in the list of beneficiaries.

17. In the writ petition filed by one of the associations, no challenge has been made to the Government Orders. It merely states that re-allotment will have to be made based upon the seniority list available and on verification of ID cards and Bus Pass records. We do not find any merit in the contention raised in the said writ petition also.

18. Therefore, while upholding the impugned orders, we give liberty to the petitioners to bring it to the notice of the official respondents about the persons, who were given the assignments, but not qualified otherwise. This will apply to those cases, where allotments are made in the names of dead persons. We are of the



considered view that the aforesaid exercise cannot be undertaken by us in this proceedings, in the absence of any concrete material available. Therefore, it is for the petitioners to bring it to the notice of the official respondents about the irregular allotments having been made.

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19. Similarly, the petitioners can also approach the respondents seeking allotment in the available place. If unsold plots are available, as stated by the learned Counsel for the petitioners and if some of the allotments are cancelled, then the official respondents are expected to consider not only the case of the petitioners but also all other eligible persons. But, before making any fresh allotments, in the cases on hand and also in future, a complete assessment will have to be made by asking the applicants to give the particulars of the properties and getting them verified from the competent authorities. This would avoid any unnecessary litigation in future.

20. In future, while making such allotments, the official respondents can consider imposition of the conditions, viz., fixation of income criteria and that the Journalist / Reporter is residing within the territorial jurisdiction of that locality.

21. Accordingly, while upholding the impugned Government Orders and the consequential allotment order,

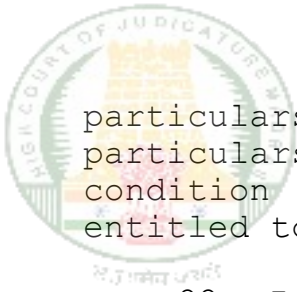
i) Liberty is given to the petitioners to give their representations, if any, within a period of four weeks from the date of receipt of a copy of this order bringing to the notice of the respondents about the ineligibility of those, who have been assigned plots. As and when they are received, appropriate orders will have to be passed within a further period of four weeks thereafter. Similarly, the petitioners can also make representations seeking allotment and if any plots are available, then the official respondents shall consider the same, subject to the observations made by us supra.

ii) Since the name of the petitioner in W.P.(MD)No.10244 of 2020 has already been recommended, but for want of application it has not been considered, the petitioner is permitted to make an application within a period of four weeks from the date of receipt of a copy of this order and thereafter, appropriate orders will have to be passed by the official respondents within a further period of six weeks.

iii) Insofar as W.P.(MD)No.8982 of 2020 is concerned, inasmuch as the clarification sought for by the third respondent is said to be pending with the second respondent, the said respondent is directed to pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order.

iv) The allotments pursuant to the impugned Government Orders will have to be made within a period of six weeks from the date of receipt of a copy of this order. Even while doing so, the official

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particulars available and if not, they should ask for the particulars, especially, the particulars with respect to the condition no.4, among others, which prohibits a person from being entitled to if he owns a house.

22. In fine, all the writ petitions stand disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions stand closed.

Sd/-

Assistant Registrar(CS-III)

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/ /2021

Sub Assistant Registrar(CS)

gk

To

- 1.The Additional Chief Secretary,
Revenue & Disaster Management Department,
Land Disposal Wing, LD1 (2) Section,
Fort St.George,
Chennai - 9.
2. The Secretary to Government,
Revenue & Disaster Management Department,
Land Disposal Wing, LD1 (2) Section,
Fort St.George,
Chennai - 9.
- 3.The Commissioner of Land Administration,
Chennai - 5.
- 4.The Principal Secretary of Land Administration,
Chennai - 5.
- 5.The District Collector,
Office of the Collectorate,
Madurai District.
- 6.The Public Relations Officer,
O/o. The District Collector Campus,
Madurai.
- 7.The Tahsildar,
North Taluk,
Madurai District.



+1 CC to M/s.N.DILIP KUMAR, Advocate (SR-12272[F] dated 18/03/2021)

+1 CC to M/s.R.GANDHI, Advocate (SR-12408[F] dated 19/03/2021)

+1 CC to M/s.SPL GP (SR-12779[F] dated 22/03/2021)

+1 CC to M/s.R.MAHESWARAN (SR-12806[F] dated 22/03/2021)

+2 CC to M/s.J.SELVIN RAJESH (SR-12857[F] dated 22/03/2021)

**W.P. (MD) Nos.18208 of 2019, 10244,
10810, 9547 & 8982 of 2020
18.03.2021**

NS (CO)

TR(23.03.2021) 12P 14C