



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

W.P. (MD) No.9775 of 2014

C.Karuppaiah

...Petitioner

Vs.

1.Madras State Bhoodan Yagna Board,
Represented by its Chairman,
Secretariat,
Chennai - 9.

2.The District Collector,
Collectorate Campus,
Virudhunagar,
Virudhunagar District.

3.The Tahsildar,
Kariyapatti Taluk,
Virudhunagar District.

4.The Village Administrative Officer,
S.Kallupatti Village,
S.Kallupatti,
Kariyapatti Taluk,
Virudhunagar District.

5.The Bhoodan Inspector,
Tamil Nadu Bhoodan Board,
Virudhunagar District,
Virudhunagar.

... Respondents

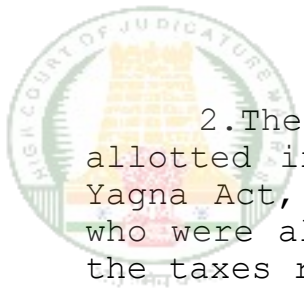
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the respondents No.3 and 4 from disturbing the petitioner from his peaceful enjoyment in S.No.83/1A, Kallupatti Village, Kariyapatty Taluk, Virudhunagar District based on the petitioner's representation, dated 05.06.2014.

For Petitioner : Mr.S.Vanchinathan

For Respondent : Mr.M.Rajarajan
Additional Government Pleader

O R D E R

This writ petition has been filed for the issuance of Writ of Mandamus, forbearing the respondents 3 and 4 not to disturb the peaceful possession and enjoyment of the subject property of the petitioner.



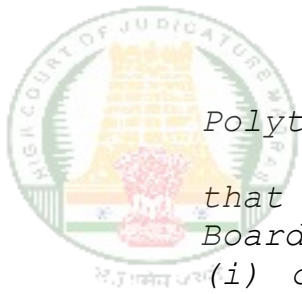
2.The case of the petitioner is that the subject property was allotted in favour of the petitioner under the Tamil Nadu Bhoodan Yagna Act, 1958. Pursuant to the same, the petitioner and others, who were allotted the land, have also constructed houses and paying the taxes regularly.

3.The grievance of the petitioner is that the respondents 3 and 4 were attempting to interfere with the possession and enjoyment of the property without resorting to due process of law. According to the petitioner, opportunity must be given before any action is taken as per Rule 15(2) (i) of the Tamil Nadu Bhoodan Yagna Rules, 1959. The petitioner made a representation in this regard and since the same was not considered, the present writ petition has been filed before this Court.

4.A counter affidavit has been filed by the second respondent. It will be relevant to extract paragraphs 7 to 9 in the counter affidavit hereunder:

"7.I submit that, with regard to Para No.5 and 6 that in the Virudhunagar District Revenue Officer Letter No.Na.Ka.B4/6153/2014, dated 24.03.2014 and Aruppukottai Revenue Divisional Officer, Letter No.Na.Ka.B3/1754/2014, dated 09.04.2014, instruction was issued to Tahsildar, Kariapatti to identify suitable land for the construction for proposed Government Polytechnic College for the sake of rural students of Arupukottai Division as per the Government direction. Based on the direction of the District Revenue Officer and the Revenue Divisional Officer, Arupukottai, Tahsildar, Kariapatti has proposed some lands in few Villages and inspection was made on those lands for feasibility of land. The above said land is in the name of Bhoodan Board in the Revenue Records and after this writ petition it has been found that the said land was allotted to 10 persons for cultivation and among them 8 persons were died and other two persons including the writ petitioner violated the condition of land distribution by Bhoodan Board. The Third and Fourth respondents have neither issued any notice for eviction nor tried to acquire the land and the petitioner has no title in the said land and having enjoyment rights till his death without deviating the conditions. The writ petitioner has no locus standi to file this case and filing this with pre-matured thought that he may be evicted for violation of conditions.

8.I submit that with regard to para 7, the petitioner filed a petition forbearing the Tahsildar, Kariapatti to vacate them from the above said land and to reallocate it to some other persons. It is submitted that Tahsildar, Kariapatti inspected and proposed the



Polytechnic.

9.I submit that with regard the grounds a,b,c and d that if violation of condition is found, the Bhoodan Board will take necessary action stipulated in rule 15(2) (i) of Tamilnadu Bhoodan Yagna Rules 1959 as stated by the petitioner in ground a.The second and Fourth respondents have neither issued any notice for eviction nor tried to acquire the land and the petitioner has no title in the said land and having enjoyment rights till his death without deviating the conditions. The Writ petitioner has no locus standi to file case and filing this with pre-matured thought that he may be evicted for violation of conditions."

5.It is clear from the stand taken by the respondents that no notice has been issued for eviction or no steps have been taken to acquire the land. In view of the same, as and when the respondents propose to take any action against the petitioner, the same shall be done strictly in accordance with the Relevant Act and Rules. The possession of the petitioner shall not be interfered unless and otherwise by due process of law.

6.This writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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

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+1 CC to M/s.SPL GP (SR-16911[F] dated 21/04/2021)

W.P. (MD) No.9775 of 2014
20.04.2021

KK(26.05.2021) 4P 7C

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