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W.P.No.35800 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.10.2022

Coram

The Honourable Mr.Justice M.DHANDAPANI

**W.P.No.35800 of 2015
and M.P.Nos.1 & 2 of 2015**

K.V.Kandasamy

...Petitioner

Versus

- 1.The District Collector,
Perambalur District,
At Perambalur.
- 2.The Tahsildar,
Kunnam Taluk,
Perambalur District.
- 3.The Special Tahsildar,
Adi Dravidar Welfare,
Perambalur,
Perambalur District.
- 4.The District Adi Dravidar Welfare Officer,
Perambalur,
Perambalur District.
- 5.The President,
Kolappadi Panchayat Union,
Kunnam Taluk,
Perambalur District.



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6.The Assistant Executive Engineer (DRDA),
Perambalur,
Perambalur District.

7.The Block Development Officer,
Veppur Village Panchayat, Kunnam Taluk,
Perambalur District.

(R6 & R7 were impleaded as per order dated 18.02.2016 made in
W.M.P.No.5351 of 2016)

...Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying for issuance of a writ of mandamus forbearing the respondents from
putting up any construction in the Survey Nos.178/2 to an extent of 3 Acres
65 Cents and 178/9A to an extent of 2 Acres 42 Cents totally to an extent of
6 Acres 7 Cents at New Colony, Kolappadi Village, Kunnam Taluk,
Perambalur District and permit the petitioner and the villagers to use the
above said land for the village purpose.

(Prayer was amended as per order dated 18.02.2016 in W.M.P.No.5352 of
2016)

For Petitioner	:	Mr.A.Rajesh Kanna
For Respondents – 1 to 4	:	Ms.C.Sangamithrai, Special Govt. Pleader
For Respondent – 5	:	Mr.G.Padmanapan
For Respondent – 7	:	Mr.D.Suriyanarayanan



ORDER

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The relief sought in this writ petition is to forbear the respondents from putting up any construction in the Survey Nos.178/2 & 178/9A measuring to a total extent of 6 Acres 7 Cents at New Colony, Kolappadi Village, Kunnam Taluk, Perambalur District and permit the petitioner and his villagers to use the above said land for the village purpose.

2. The case of the petitioner is that he is residing at New Harijana Colony, Kolappadi Village, Kunnam Taluk, Perambalur District. The third respondent has acquired the lands in Survey Nos.178/2 & 178/9A measuring to a total extent of 6 Acres 7 Cents at New Colony, Kolappadi Village, Kunnam Taluk, Perambalur District for the purpose of allotting free house sites to the Hindu Adi Dravidar Community People and issued house site to 100 beneficiaries in Kolappadi Village. Since the petitioner is one of such beneficiaries, the third respondent vide order in Na.Ka.No.3083/81 dated 16.04.1983 has allotted Plot No.68 to him. Thereafter, petitioner has been in possession and enjoyment of the said plot by putting up a hut therein and residing in it with his family members.



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2.1. While so, petitioner and other beneficiaries have made several representations to the authorities concerned to allot the vacant site which is situated between the aforesaid Survey Nos.178/2 & 178/9A for the purpose of construction of Adi Dravidar School, Temple and Samudhaya Koodam, however, their representations are pending consideration. In the meanwhile, the fifth respondent has attempted to put up a construction in the said vacant site under NRGS Scheme on basis of the instruction of second respondent. Aggrieved over the same, petitioner and other beneficiaries made a representation dated 16.06.2015 to the first respondent, requesting to stop the fifth respondent from putting up such construction in the said vacant site since they have already made representation to the concerned authorities in this regard.

2.2. That apart, petitioner filed a writ petition in W.P.No.26996 of 2015 before this Court praying to direct the respondents 1 to 3 to consider his representation dated 16.06.2015 and also, to direct the fifth respondent not to put up any type of construction in Survey Nos.178/2 & 178/9A situated at New Colony, Kolappadi Village, Kunnam Taluk, Perambalur



District and permit him and his villagers to use the said land for village purpose. This Court vide order dated 28.08.2015 disposed of the said writ petition by observing as follows:

“2. Considering the same, without going into the merits of the case, the respondent no.1 is directed to pass appropriate orders on the pending representation of the petitioner dated 16.06.2015 within a period of six weeks from the date of receipt of a copy of this order.

3. The Writ Petition is disposed of accordingly. No costs.”

2.3. Despite the above order of this Court, the Revenue Officials without considering the petitioner's representation, extended their aid to fifth respondent for putting up construction in the lands in Survey Nos.178/2 & 178/9A situated at New Colony, Kolappadi Village, Kunnam Taluk, Perambalur District. Hence, left with no other alternative, petitioner has filed the present writ petition before this Court for the relief stated *supra*.

3. The learned counsel for the petitioner submitted that the lands in Survey Nos.178/2 & 178/9A situated at New Colony, Kolappadi Village, Kunnam Taluk, Perambalur District were acquired by the respondents 1 to 3



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for the purpose of allotting free house sites to the Hindu Adi Dravidar Community People. While so, the vacant site situated between the aforesaid Survey Nos.178/2 & 178/9A has also to be allotted to the beneficiaries for the use of public purpose like constructing Adi Dravidar School, Temple and Samudhaya Koodam etc. He further submitted that though this Court directed the first respondent to consider the petitioner's representation dated 16.06.2015 and pass appropriate orders on the same, the Revenue Officials are helping the fifth respondent to put up the construction in the said vacant site. Therefore, the learned counsel prayed this Court to forbear the respondents from putting up any construction in the lands in aforesaid Survey Nos.178/2 & 178/9A.

4. The learned counsel appearing for the fifth respondent submitted that the fifth respondent has put up the construction in the subject land only as per the direction issued by the first respondent/District Collector, Perambalur District, Perambalur in order Na.Ka.No.777/2013/A3 dated 02.01.2014. He further submitted that the lands in Survey Nos.178/2 & 178/9A were Government Poromboke lands and the petitioner is neither the owner of lands in Survey Nos.178/2 & 178/9A situated at New Colony,



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Kolappadi Village, Kunnam Taluk, Perambalur District nor an allottee of any plot. Therefore, the petitioner has no *locus standi* to file this writ petition since he is not an aggrieved person at all.

5. Heard the learned counsel on either side and perused the materials placed before this Court.

6. So far as this case is concerned, petitioner is not the owner of the subject land. The implementation of NRGS scheme by the Government is only for the welfare of general public. Moreover, it is to be noted that the fifth respondent has put up the construction in the vacant land only after getting necessary permission from the first respondent.

7. In the above circumstances, this Court cannot grant the relief sought by the petitioner. Hence, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes/No

Speaking Order (or) Non-Speaking Order

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