



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P. No.8078 of 2020
and WMP.No.9578 of 2020

B.S.Syed Ali

...Petitioner

vs.

1.The Commissioner of Land Administration,
Chepauk, Chennai-4.

2.The District Collector,
Krishnagiri District.

3.The Revenue Divisional Officer,
Hosur.

4.The Tahsildar,
Soolagiri Taluk
Krishnagiri.

5.The Commissioner,
Panchayat Union,
Soolagiri

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, to issue an order or direction or Writ and in particular Writ in the nature of a Writ of Certiorarified Mandamus to call for the records on the file of the 4th respondent in Na.Ka.No.3014/2018/A2 dated 23.08.2019 and quash the same as illegal, incompetent and without jurisdiction and further direct 1 and 2 to convey the property in survey No.127/2A1 of Kamanthoti, Soolagiri Taluk, Krishnagiri Village.

For Petitioner : Mr. V.Raghavachari

For Respondents : Mr.P.Gurunathan
Additional Government Pleader



ORDER

The petitioner has filed this petition seeking to quash the proceedings in Na.Ka.No.3014/2018/A2 dated 23.08.2019 by the 4th respondent and direct the respondents 1 and 2 to convey the property in survey No.127/2A1 of Kamanthoti, Soolagiri Taluk, Krishnagiri Village.

2. The facts of the case are as follows:

The petitioner is the owner of the property in S.No.126/2B2A in Kamanthotti Village, Soolagiri Taluk, Krishnagiri. On the southern side of his land, the National Highway is located. In between the patta lands and the National Highways, there is a small portion of the property classified as poramboke land. He was using his property to have access to the main road. Recently, some unknown persons had instigated a revenue official to put up a fence to block his access. On account of which, the petitioner has not able to reach the road easily. The petitioner offered to give an extent of land which is equal to the lands that are located adjacent to it. Under the provisions of RSO 26(A), Government is empowered to assign the lands to the individual in lieu of exchange of an equal extent of patta lands. For which, the petitioner made a representation to the respondents to exchange the land dated 28.12.2018. However, the representation was not considered. The petitioner has filed writ petition in W.P.No.12407 of 2019 and this Court, vide order dated 23.08.2019 issued a direction to the respondent 2 & 3 therein to look into the communication issued by the first respondent as required therein. Pursuant to the same, the Thasildar has passed the impugned proceedings dated 23.08.2019 stating that the land belongs to the Commissioner/4th respondent and the 4th respondent is incompetent to exchange the land between the petitioner and the revenue department. Challenging the said order, the petitioner has filed the present writ petition before this Court seeking appropriate remedy.

3. The learned counsel for the petitioner submitted that the 4th respondent should have known that the poramboke lands always vest with the State and it is within its jurisdiction to exchange. The authorities had not taken into consideration the object behind the request made by the petitioner and had rejected it without affording an opportunity to the petitioner herein. Revenue officials have put up the fence to block the access of the petitioner recently. So that the petitioner could not reach the highways immediately. Hence, this Court may quash the order passed by the Tahsildar and allow this petition.

4. The Additional Government Pleader submitted that the land belongs to the Government and the Revenue officials have not incompetent to exchange the land in favour of the



petitioner. Hence, this petition is liable to be dismissed.

5. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing on behalf of the respondents and perused the materials available on record.

6. Considering the fact that the the petitioner made representation to exchange the poromboke land in favour of him. The learned Additional Government Pleader submitted that the said land is not poromboke land and the same stood in the name of 5th respondent. However, the revenue officials have no power to exchange the land in favour of the petitioner. The 5th respondent reserved the said land for the construction for Home for Mother and infants (Thai, Sei Nala Viduthi).

7. In view of the above, this Court cannot interfere with the order passed by the Tahsildar and there is no merit in the revision. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rli

To

1.The Commissioner of Land Administration,
Chepauk, Chennai-4.

2.The District Collector, Krishnagiri District.

3.The Revenue Divisional Officer, Hosur.

4.The Tahsildar, Soolagiri Taluk, Krishnagiri.

5.The Commissioner, Panchayat Union, Soolagiri.

+1cc to Mr.V.Raghavachari, Advocate SR. No.4215

+1cc to Government Pleader SR. No.4282

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PMK (CO)

PR (04/03/2022)