

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.15370 of 2022

S.Sakthivel

...Petitioner

vs.

1. The District Collector,
Nagapattinam (Presently Mailaduthurai District),
Tamil Nadu.
2. The Revenue Development Officer,
Mailaduthurai,
Mailaduthurai District.
3. The Tahsildar,
Sirkali Taluk,
Mailaduthurai District,
Tamil Nadu.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of certiorarified Mandamus calling for the records of the 1st respondent vide proceedings No.Moo. Mu.11578/2019/Oo3 dated 11.04.2020 and quash the same as null and void and against the basic principle of natural justice, consequently directing the respondents herein to strictly comply with the provision of the proceeding of the Govt. of India, Ministry of Home Affairs, Letter No.W.V.T./82/ADM-II (SEL) PP dated 30.06.1983.

For Petitioner : Mr.G.Thangavel

For Respondents : Mr.Akila Rajendran
Government Advocate

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus calling for the records of the 1st respondent vide proceedings No.Moo. Mu.11578/2019/Oo3 dated 11.04.2020 and quash the same as null and void, consequently directing the respondents herein to strictly comply with the Letter No.W.V.T./82/ADM-II (SEL) PP dated 30.06.1983.

2. The case of the petitioner is that petitioner is working as a Constable in Central Reserve Police Force (CRPF) and in possession of S.No.3/11, Village S.No.169/9 of an extent of 450 sq. mt. Situated at Sirkazhi District. The Ministry of Home Affairs, Government of India vide letter dated 30.06.1983 framed a scheme to provide preference in employment, allotment of house/ flats and residential flats by the State Government to the servicemen and Ex-servicemen of Central Para Military Force (s). Seeking to allot free house site, the petitioner made several representations to the respondents and the last of which is dated 11.07.2018. Since the same was not considered the petitioner filed a Writ Petition before this Court in W.P.No.8363 of 2019. This Court vide order dated 25.03.2019 issued direction to the respondents to consider the same and pass orders within a period of eight weeks. Pursuant to which the District Collector/1st respondent rejected the said representation vide proceedings dated 11.04.2020 stating that as the said land is classifeied as "Kalam Porambokke", it cannot be alienated in favour of the petitioner unless it is modified as "Gramanatham". Challenging the said proceedings dated 11.04.2020, the petitioner has filed the present Writ Petition seeking the aforesaid relief.

3. Learned counsel for the petitioner submitted that as per the letter of the Ministry of Home Affairs, Government of India dated 30.06.1983, preference has to be given to CRPF Jawans with regard to the employment, allotment of house and residential flats etc., based on which the petitioner made several representations and the last of which was on 11.07.2018 and also filed Writ Petition in W.P.No.8363 of 2019. Pursuant to order of this Court, the first respondent rejected the said representation vide proceeding dated 11.04.2020, stating that the said land is classified as "Kalam Porambokke". He further submitted that the Revenue Official has power to reclassify the said land and allot the same in favour of the petitioner. Hence he prayed this Court to quash the order passed by the first respondent dated 11.04.2020 and consequently direct the 1st respondent to allot said land in favour of the petitioner as per the aforesaid letter of the Ministry of Home affairs, Government of India dated 30.06.1983.

4. Learned Government Advocate appearing for the respondents submitted that once the land is classified as "Kalam Porambokke", it cannot be granted to any private parties and it is specifically allotted for persons who carry out agricultural activities in their locality or community. Accordingly, he prayed for dismissal of this Writ Petition.

5. Heard the arguments advanced on either side and perused the materials placed on record.

6.Considering the fair submission made by the learned Government Advocate, the said land is classified as "Kalam Porambokke" and the same cannot be alienated in favour of the petitioner as per Revenue Standing Order 15. Further, no alienation can be made in respect of the said property to any third party. There being no merit in the Writ Petition, the same is liable to be dismissed.

7. Accordingly, this Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

RAP

To

1. The District Collector,
Nagapattinam (Presently Mailaduthurai District),
Tamil Nadu.
2. The Revenue Development Officer,
Mailaduthurai,
Mailaduthurai District.
3. The Tahsildar,
Sirkali Taluk,
Mailaduthurai District,
Tamil Nadu.

+1cc to Mr.G.Thangavel, Advocate, S.R.No.38425

+1cc to the Government Pleader, S.R.No.38582

W.P.No.15370 of 2022

SKM(CO)
RGA(21/07/2022)