



W.P.No.12592 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2022

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.12592 of 2022

and

WMP.No.12047 of 2022

A.Muthuramalingam

...Petitioner

Vs.

1. The Director of Land Reforms,
Land Reforms Department,
Chepauk, Chennai - 600 005.
2. The Boodhan Yagna Board,
Rep. by its Secretary / Special Officer,
Land Reforms Department,
Chepauk, Chennai - 600 005.
3. The Tahsildar,
Maduthukulam Thaluk Office,
Tiruppur - 642 113.
4. The District Collector,
Tiruppur District,
Tiruppur - 641 604.
5. The Land Revenue Inspector,
Maduthukulam,
Tiruppur - 642 113.



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6. The President, Panchayath Board,
Vedapatti Panchayath,
46, Rangamoopan Street, Vedapatti,
Coimbatore - 641 007

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for records of the impugned letter dated 19.01.2022 issued by the 5th respondent to the 6th respondent and to quash the same as arbitrary and illegal.

For Petitioner : M/s.Shobana Ramasubramanian

For Respondents : Mr.G.Krishna Raja, AGP, for R1 to R5
: Mr.E.Sundaram, for R6

ORDER

The petitioner has filed this Writ petition seeking issuance of a Writ of Certiorari to call for the records of the 5th respondent in respect of the letter dated 19.01.2022 and to quash the same.

2. The case of the petitioner is that the agricultural land comprised in S.No.124/2, measuring an extent of 6 Acres situated at Vedappati Village



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was allotted in favour of the petitioner's father namely, Late.Anganapillai, vide order of the 1st respondent dated 31.10.1963 issued under *Boodhan Yagna Movement* and pursuant to the said allotment, the petitioner's father was in possession of the said property and cultivated the same from 1963 onwards and after his demise, the petitioner's mother namely Lakshmi was allowed to cultivate the said land and the same was also recognised, vide letter dated 20.10.1991 issued by the then Village Administrative Officer, Vedapatti. After the demise of the petitioner's mother, the petitioner continued to cultivate the subject land and he is also paying the necessary taxes without any default. Whiles, the 2nd respondent erected a notice board on the said land, indicating that the subject land belongs to the 2nd respondent and thereby, restrained the petitioner from cultivating the subject land. Thereafter, on enquiry, the petitioner came to know about the letter dated 19.01.2022 issued by the 5th respondent to the 6th respondent seeking for transfer of the subject land to the Judicial department for construction of Combined Court campus. Immediately, the petitioner made a representation dated 10.0.2022 before the 3rd respondent, expressing his grievances, which evoked no response. Hence, challenging the said impugned letter dated 19.01.2022, the present Writ petition is filed.



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3. Learned counsel for the petitioner submitted that the property was assigned in favour of the petitioner's father and after his demise, the said property devolved upon the petitioner. Though the petitioner is in continuous possession of the subject property and has been cultivating the same for the past several years, the 5th respondent, without conducting enquiry or without issuing notice to the petitioner, has sent a letter dated 19.01.2022 to the 6th respondent, seeking for transfer of the subject land to the Judicial department, which is not sustainable. He further submitted that, without passing any order for the reclassification of the subject land, the 5th respondent has straight away requested the 6th respondent to transfer the subject land to the Judicial department for construction of Court campus, which cannot be acceded to. Hence, he prayed for appropriate orders.

4. Learned Additional Government Pleader appearing for the respondents 1 to 5 submitted that, the present letter under challenge is only a internal communication in between the 5th and 6th respondents and further, the 5th respondent has no authority to decide upon transfer of lands and it is up to the Government to re-classify the same and this Writ petition



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is filed at a premature stage. Hence, he prayed for dismissal of this Writ petition.

5. Heard learned counsel on either side and perused the materials available on record.

6. Though very many grounds have been raised by the learned counsel on either side, however, as rightly pointed out by the learned Additional Government Pleader, it is a mere internal communication in between the 5th and 6th respondents and if at all any decision with regard to the transfer of land has to be taken, it has to be taken by the Government and not by either the 5th or 6th respondent, as they are not the competent authority to take decision for transfer of any land. Hence, this Court, without interfering with the letter under challenge, grants permission to the petitioner to file appropriate petition before the competent authority, if any further proceedings are initiated by the respondents with regard to the transfer of subject land.

7. With the above observations and directions, this Writ petition is disposed of. No costs. Consequently, connected Miscellaneous petition is



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closed.

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skt

Speaking Order : Yes/ No

Index : Yes/ No

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