



W.P.No.9920 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2022

CORAM:

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.9920 of 2016

and

W.M.P.Nos.8905 & 8906 of 2016

K.V.Kandasamy

Vs.

. . . Petitioner

1. The District Collector/President,
District Rural Development Scheme,
Perambalur District,
At Perambur.
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.



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5. The President,
Kolappadi Panchayat Union,
Kunnam Taluk,
Perambalur District.

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

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

. . . Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus or any other writ or order or direction in the nature of writ, call for the records or the proceedings of the 1st Respondent in Se.Mu.No.777/2013/A3 dated 19.02.2015 sanctioned amount of Rs.13.12 lakhs for construction of the said building in Serial No.8 of the said proceedings which come under the Veppur Village Panchayat consequently the Resolution Subject No.17 for construction of Bharath Nirman Rajiv Gandhi Seva kendra Building in Survey No.178/2-14 Kolapadi Village, Kunnam Taluk, Perambalur district passed by the 5th Respondent Panchayat President on 30.04.2015 and quash the same as illegal, improper and thereby direct the respondents 3 and 4 to restore the land in Survey No.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 exclusively



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for the usage of the beneficiaries of Adi Dravidar Welfare People.

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For Petitioner : M/s.M.V.Muralidaran

For Respondents : Ms.Akila Rajendran,
Government Advocate

ORDER

The present petition has been filed seeking to quash the proceedings dated 19.02.2015 passed by the 1st Respondent and consequently, the Resolution Subject No.17 passed by the 5th Respondent Panchayat President on 30.04.2015 and direct the respondents 3 and 4 to restore the land in Survey No.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 exclusively for the usage of the beneficiaries of Adi Dravidar Welfare People.

2. It is the case of the petitioner that the lands in SurveyNo.178/2 to an extent of 3 acres 65 cents and 178/9A to an extent of 2 acres 42 cents were acquired by the 3rd Respondent/Special Tahsildar for the purpose of



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providing free housesites to Adi Dravidar Community people. The petitioner being one among the beneficiaries, he was allotted with Plot No.68 and he is absolute possession and enjoyment of the same by putting a simple superstructure in the said plot. However, in the middle of the aforesaid survey numbers, there is a vacant site allotted for the communal purpose particularly for the Adi Dravidar Community. Though several representations were made by the petitioners and other villagers, to the concerned authorities, requesting to utilize the said vacant land for purpose of setting up a school for Hindu Adi Dravida Community people in the village, and despite the orders of this Court in the Wrti Petitions filed by the petitioner, a Resolution Subject No.17 came to be passed by the 5th respondent for construction of Bharat Nirman Rajiv Gandhi Seva Kendra Building in the said vacant site, pursuant to which, the 1st Respondent/District Collector vide his proceedings dated 19.02.2015 had sanctioned a sum of Rs.13.12 Lakhs for the aforesaid purpose in Serial No.8 of the proceedings which comes under the Veppur Village Panchayat. Challenging the said proceedings, the petitioner being one among the allottees, has come up with the present petition.



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3. Learned counsel for the petitioner submits that, once the land is allotted particularly for the communal purpose of specific community, cannot be utilized for some other purpose. All the survey numbers were allotted to the Adi Dravidar Community people, in which a vacant site of a particular extent, having been allotted for communal purpose cannot be utilized for some other purpose. However, the respondents, vide their proceedings impugned, have allotted the said vacant site for the purpose of building Bharath Nirman Rajiv Gandhi Seva Kendra, which is not sustainable.

4. On the above contentions, this Court, heard the learned Government Advocate appearing for the respondents and perused the materials available on record.

5. A perusal of the materials available on record reveals that subject lands were acquired by the respondents for the purpose of providing free housesites to the the Adi-Dravidar Community People. Subsequently, the said lands were allotted to the beneficiaries including the petitioner herein.



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There is a vacant site in the middle of the said lands sought to be kept for communal purpose. It is the claim of the petitioner that, the said vacant site belongs to the Adi-Dravidar community and therefore, the same cannot be utilized for any other purpose. However, the petitioner being an allottee has no *locus standii* to claim any right over the acquired lands, as no materials have been placed before this Court to show that the said portion of the lands belongs to a particular community. Once the lands are acquired, utilization of the said lands come within the domain of the Government. In such view of the matter, the orders impugned in this Writ Petition cannot be found fault with and the same needs no interference of this Court. Hence the prayer sought for in this Writ Petition cannot be considered.

6. For the reasons aforesaid, this Writ Petition is devoid on merits and the same is dismissed accordingly. Consequently, the connected Miscellaneous Petitions are closed.

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Index : Yes / No

Internet : Yes / No

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M.DHANDAPANI, J.

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