



W.P.No.30071 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2022

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

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R.Durai

.. Petitioner

Vs

1. The State, rep. by
the Secretary to Government
Adi Dravidar and Tribal Welfare Department
Secretariat, Chennai – 600 009.
2. The Commissioner
Land Administration
Chepauk, Chennai – 600 005.
3. The District Collector
Salem District, Salem.
4. The Revenue Divisional Officer
Attur, Salem District.
5. The Tahsildar
Thalaivasal Taluk, Salem District.
6. Pavayee
7. Kannan



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8. Shanthi
9. Neelavaty
10. Dhanavel
11. Sakthivel
12. Rajamanickam
13. Arjunan
14. Ravi
15. Kavitha
16. Muthulakshmi
17. Rajavel
18. Sakthivel
19. Muruganandam
20. Kaanagam
21. Mohankumar
22. Palaniammal
23. Sadayan
24. Chellappan
25. Selvaraj
26. Palanisamy
27. Manivel
28. Jayavel
29. Rathinam
30. Muthulakshmi
31. Shanthi
32. Kanagaraj
33. Valliammal
34. Jayaraman
35. Natarajan
36. Sarasu
37. Senthil Kumar
38. Ganesan
39. Kamalam
40. Ganesan
41. Prakash
42. Ramasamy
43. Natesan
44. Selvaraj
45. Amutha
46. Bama



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47.Palanivel

48.Palanivel

49.Kannan

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus to direct respondents 3 to 5 to assign the lands to the name of the members or their legal representatives of the erstwhile Unathur Harijan Land Colonisation Society, Attur Taluk (Now Thalaivasal Taluk), Salem District as per the resolution passed at the time of dissolution and as per the government orders and consequently forbear respondents 3 to 5 from allotting the lands to respondents 6 to 49.

For the Petitioner : Mr.S.Baskaran

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for respondents 1 to 5

ORDER

(Order of the court was made by the Hon'ble Acting Chief Justice)

R.Durai, son of Rajendiran, claiming to be a public-spirited individual, has filed this writ petition seeking issuance of a writ of mandamus to direct respondents 3 to 5 to assign the lands to the name of the members or their legal representatives of the erstwhile Unathur Harijan Land Colonisation Society, Attur Taluk (Now Thalaivasal Taluk), Salem District, as per the resolution passed at



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the time of dissolution and as per the government orders and, consequently, forbear respondents 3 to 5 from allotting the lands to respondents 6 to 49.

2. Learned counsel for the petitioner would submit that the even though the government issued G.O.Ms.No.3240, Home Department,, dated 20.9.1962, to allot five acres of land to landless and poor agricultural labourers to do cultivation, the lands were not assigned to the individuals. It is stated that land colonisation societies were formed under the Co-operative Societies Act and patta stood in the name of the society and members were included in the society.

3. Learned counsel for the petitioner further submitted that S1368, Unathur Land Colonisation Society, was registered under the Co-operative Societies Act and the Deputy Registrar of the Cooperative Societies, Attur, was in-charge of the day to day administration, grant of loans and recovery thereof. It is stated that totally 121.81 acres of land was included for assignment to 22



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persons and each got five acres of land assigned to them as a member of the society and not in their individual names, subject to the condition that the said land shall be used only for agricultural operations. As many of the assignees could not carry on agricultural operations for various reasons, they left the possession, occupation and enjoyment of the land assigned to them and taking advantage of the situation, the members belonging to other community occupied the land by encroaching illegally.

4. It is further pleaded that the fourth respondent without following the guidelines issued pattas to the individual members, including the persons who belonged to other community. However, the pattas issued were cancelled by the fourth respondent by proceedings dated 21.5.2004, which was challenged by filing W.P.No.8432 of 2010, etc. batch cases. This court, by order dated 26.11.2010, partly allowed the writ petitions as no notice was served to the persons before cancellation of pattas and directed the third respondent to give notice to the petitioners therein and provide sufficient opportunity and pass appropriate orders within 12 weeks



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therefrom. The members of the dissolved society filed W.P.No.12184 of 2011 to quash the notice issued in compliance of the the order passed in W.P.No.8432 of 2010 etc. batch. This court, by order dated 18.1.2013, directed the petitioners therein to implead themselves as party to the proceedings and gave liberty to respondents 5 to 31 therein to oppose the said petition. The third respondent was directed to decide the issue after issuing notice to all the parties.

5. The grievance of the petitioner is that the land which was to be allotted to the members of Adi-Dravidar community is presently under occupation of persons belonging to other communities and, therefore, respondents 3 to 5 must be restrained from allotting the lands to respondents 6 to 49.

6. Learned counsel appearing for the petitioner states that before filing a public interest litigation seeking issuance of a writ of mandamus, the petitioner is not required to submit a representation/petition requesting the authority concerned to



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perform a duty contemplated under law and, therefore, the writ petition may be entertained by granting the relief prayed for.

7. We are unable to accept the aforesaid submission made by learned counsel for the petitioner. When the petitioner claims that he is a public-spirited individual projecting the cause of the public at large, he ought to have given representation to the authority concerned narrating the grievance for solution by the authority. When the petitioner himself is aware of the pendency of the issue before the appropriate authority by virtue of the orders passed in the writ petitions filed by the aggrieved persons, there is no necessity to approach this court by way of a public interest litigation bypassing the pendency of the issue before the appropriate authority.

8. That apart, we do not find any locus on the part of the petitioner to file this writ petition. There is no averment in the affidavit justifying his locus standi to file the present writ petition in public interest knowing very well that the issue is seized of by the



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authorities concerned. Secondly, the issue of assignment is to be decided by the authorities concerned on merits and if any individual member is aggrieved, he can always approach this court.

The writ petition is dismissed. There will be no order as to costs. Consequently, W.M.P.No.29484 of 2022 is closed.

(T.R., ACJ.) (D.K.K., J.)
14.11.2022

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