



W.P.No.19505 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.19505 of 2017

And

W.M.P.Nos.21058 and 21059 of 2017

N.Karunakaran

... Petitioner

Vs.

- 1.The Director,
Commissionerate of Land Reforms,
Ezhilagam,
Chepauk,
Chennai 600 005.
- 2.The Collector,
Thiruvallur District,
Thiruvallur.
- 3.The District Revenue Officer,
Thiruvallur District,
Thiruvallur.
- 4.The Assistant Commissioner,
Commissionerate of Land Reforms,
Ezhilagam,
Chepauk,
Chennai 600 005
- 5.The Tahsildar
Poonemallee Taluk
Poonamallee,
Chennai 600 056



W.P.No.19505 of 2017

WEB COPY

6.The Sub Registrar
Avadi Sub Registrar Office,
Chennai.

7.A.Krishnan

8.A.Venkatesan

9.E.Sambath

10.E.Murugan

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the order dated 26.05.2017 in Proceeding No. Na.Ka.4181/2017/LR2 and quash the same as illegal and arbitrary and consequently direct the second respondent to permit this petitioner to exchange the schedule mentioned property in accordance with section 17 (A) of Tamil Nadu Bhoodhan Act or in the alternative the subject matter of the property shall have been given to the petitioner on the lease basis.

For Petitioner : Mr.Ramesh
Senior Counsel
for M/s.K.Venkatasubramaniam

For Respondents : Mr.U.Baranidharan for R1 to R6
Additional Government Pleader
Mr.J.Selvarajan for R7, R8
R9 & R10 – Tapal Returned Unclaimed



W.P.No.19505 of 2017

WEB COPY

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records relating to the order dated 26.05.2017 in Proceeding No. Na.Ka.4181/2017/LR2 and quash the same as illegal and arbitrary and consequently direct the second respondent to permit this petitioner to exchange the schedule mentioned property in accordance with section 17 (A) of Tamil Nadu Bhoodhan Act or in the alternative the subject matter of the property shall have been given to the petitioner on the lease basis.

2.The case of the petitioner is that the petitioner purchased the disputed property from respondents 9 and 10 vide registered sale deed dated 19.01.2007 and is in continuous possession and enjoyment of the same. Whiles, respondents 7 and 8 claimed that they are the legal heirs of one Annaswamy and made representation to the fourth respondent contending the the said land was granted to Annaswamy under the Boomi Dhanam Scheme dated 23.07.1963 and also filed W.P.No.26549 of 2015 before this Court for Mandamus directing the official respondents therein to take legal action as against the petitioner and respondents 9 and 10 and pursuant to the order of this



W.P.No.19505 of 2017

Court dated 26.08.2015 made in the said writ petition, the second respondent passed an order dated 05.01.2017, due to which, the petitioner was put to great hardship.

3.The further case of the petitioner is that challenging the order of the second respondent dated 05.01.2017, the petitioner filed W.P. No.3701 of 2017 before this Court and vide order dated 15.02.2017, this Court disposed of the said writ petition by directing the petitioner to make application to the third respondent therein/second respondent herein with regard to alternative site under Section 17-A of the Act and also issued direction to the third respondent therein to consider the same and pass orders after giving opportunity to the petitioner, pursuant to which, the petitioner made application to the second respondent and the second respondent passed the impugned order. Hence, this writ petition.

4.The learned counsel appearing for the petitioner submitted that as against the impugned order, the petitioner has already filed appeal dated 23.06.2017 before the first respondent and the same has not yet been disposed of. Hence, without going into the merits of the



W.P.No.19505 of 2017

case, it would suffice, if this Court issues direction to the first respondent to consider and dispose of the petitioner's appeal dated 23.06.2017, within a reasonable time frame.

5. Heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the respondents 1 to 6 as well as the learned counsel appearing for the respondents 7 and 8. Since this Court is not inclined to issue any adverse order as against respondents 9 and 10, further notice to the respondents 9 and 10 is dispensed with.

6. Considering the limited request made by the learned counsel appearing for the petitioner, this Court, without expressing any opinion on the merits of the case, directs the first respondent to consider the petitioner's appeal dated 23.06.2017, on merits and in accordance with law and after hearing the petitioner as well as the private respondents and the other aggrieved parties, if any, pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order.



W.P.No.19505 of 2017

7.This writ petition is accordingly disposed of. No costs.

Consequently, the connected miscellaneous petitions are closed.

24.11.2022

pri
Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

- 1.The Director,
Commissionerate of Land Reforms,
Ezhilagam,
Chepauk,
Chennai 600 005.
- 2.The Collector,
Thiruvallur District,
Thiruvallur.
- 3.The District Revenue Officer,
Thiruvallur District,
Thiruvallur.
- 4.The Assistant Commissioner,
Commissionerate of Land Reforms,
Ezhilagam,
Chepauk,
Chennai 600 005
- 5.The Tahsildar
Poonemallee Taluk
Poonamallee,
Chennai 600 056
- 6.The Sub Registrar
Avadi Sub Registrar Office,
Chennai.

6/7



WEB COPY



W.P.No.19505 of 2017

M.DHANDAPANI,J.
pri

W.P.No.19505 of 2017
And
W.M.P.Nos.21058 and
21059 of 2017

24.11.2022