



**W.P (MD) Nos.3992 and 3993 of 2009,
6511, 6512 and 13113 of 2010**

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 07.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

**W.P (MD) Nos.3992 and 3993 of 2009,
6511, 6512 of 2010 and 13113 of 2009
and
M.P (MD) Nos.3 and 3 of 2009**

Ponnazhagu ... Petitioner in W.P (MD) No.3992 of 2009
K.Mariammal ... Petitioner in W.P (MD) No.3993 of 2009
K. Palayathammal ... Petitioner in W.P (MD) No.6511 of 2010
1. T.Valli (Died).
2. M. Arockiadass
3. Sagayarani Alias Rani
4. Sahayaraj
(Petitioners 2 to 4 are substitute vide Court order dated
07.04.2022 in WMP (MD) No.5074 of 2022 in WP (MD) No.6512 of 2010)
... Petitioner in W.P (MD) No.6512 of 2010
K.Thiruvenkadam ... Petitioner in W.P (MD) No.13113 of 2009

Vs

1.The District Collector,
Tiruchirappalli District,
Collectorate,
Tiruchirappalli - 620 001.
2.The District Revenue Officer (Rehabilitation),
Collectorate, Tiruchirappalli - 620 001.



3. The Electronics Corporation of
Tamil Nadu Limited,
having Head Office at Chennai and
having its branch office
at Tiruchirappalli,
represented by
its Business Development Manager,
Tiruchirappalli, I.T. Park,
having Office at Collector's Office Road,
Tiruchirappalli - 620 001.

4. The Secretary to Government,
Department of Revenue,
Fort St. George, Chennai. ... Respondents W.P (MD) No. 3992 of 2009

[R4 impleaded as per order dated 23.02.2010 in M.P
(MD) Nos. 1, 1, 1 and 1 of 2010]

1. The District Collector,
Tiruchirappalli District,
Collectorate, Tiruchirappalli-001.

2. District Revenue Officer (Rehabilitation),
Collectorate, Tiruchirappalli-001.

3. Electronics Corporation of - Tamil Nadu
Limited Having Head Office at Chennai
and Having its Branch Office at
Tiruchirappalli Reptd by its
Business Development Manager, Tiruchirappalli,
IT. Park, having officer at Collectors Officer Road,
Thiruchirappalli.

4. The Secretary to Government,
Department of Revenue,
Fort St. George, Chennai.
(R4 Impleaded as Per Order Dated 23/02/2010
in Mp (MD) nos. 1 to 1 and 1/2010 in Wp (MD) nos 3990 to
3991&13113/2009)

... Respondents W.P (MD) No. 3993 of 2009

1. The District Collector,
Tiruchirappalli District,
Collectorate, Tiruchirappalli - 620 001

2. District Revenue Officer (Rehabilitation),
Collectorate,
Tiruchy-620 001.



3. Electronics Corporation of T.N Limited Having
Head Office at Chennai and Having its
Branch Office at Tiruchy
Rep. by its Business Development Manager,
Tiruchy, I.T. Park Office at Collector Officer Road,
Trichy.

4. The Secretary to Govt.,
Revenue Department,
Government of Tamil Nadu,
Fort St. George,
Chennai.

... Respondents W.P (MD) No. 6511 of 2010

1. The District Collector,
Tiruchirapalli District,
Collectorate, Tiruchirapalli - 620 001

2. District Revenue Officer (Rehabilitation),
Collectorate,
Tiruchy-620 001.

3. Electronics Corporation of Tamil Nadu Limited
Having Head Office at Chennai and Having its
Branch Office at Tiruchy,
Rep. By its Business Development Manager,
Tiruchy I.T. Park Office at Collector Officer Road,
Trichy.

4. The Secretary to Government,
Revenue Department Government
of Tamil Nadu, Fort St. George, Chennai.

... Respondents W.P (MD) No. 6512 of 2010

1. The District Collector,
Thiruchirapalli District, Collectorate,
Tiruchirapalli-001.

2. The District Revenue Officer (Rehabilitation),
Collectorate, Tiruchirapalli-620 001.

3. Electronics Corporation Of Tamil Nadu
Limited Having Office at Chennai
and Having its Branch Office at
Tiruchirapalli Represented by
its Business Development Manager,
Tiruchirapalli, I.T. Park,
Having Office at Collectors Office Road,
Tiruchirapalli-620 001.



4.The Secretary To Government,
Department of Revenue,
Fort St.George, Chennai.

(R4 Impleaded as Per Order Dated 23/02/2010 in Mp(MD)nos.1 to 1
&1/2010 in Wp(MD)nos 3990 to 3994&13113/2009)

... Respondents W.P(MD)No.13113 of 2009

Prayer in WP(MD)No.3992 of 2009: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorarified mandamus, calling for the records pertaining to survey Nos.310/1 in Navalpattu village, Tiruchirappalli, quashing the Government order in Revenue (Ni.Mu.5(2) Department) G.O (Standing)No.15 dated 09.01.2007 and the ensuing proceedings of transfer made by the respondents 1 and 2 in favour of the third respondent and directing the respondents 1 and 2 to grant patta to petitioner, directing the respondents 1 and 2 to grant alternative site measuring 2 Acres in and around Tiruchirappalli Taluk to the petitioner for petitioner's cultivation.

[Prayer added vide order dated 26.03.2021]

Prayer in WP(MD)No.3993 of 2009:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandmaus, calling for the records pertaining to survey Nos. 310/1 in Navalpattu village, Tiruchirapalli, quashing the Government order in Revenue (Ni.Mu.5(2) Department) G.O. (Standing) No. 15 dated 09/01/2007 and the ensuing proceedings of transfer made by the respondents 1 and 2 in favour of the third respondent and directing the respondents 1 and 2 to grant Patta to petitioner holding directing the respondents 1 and 2 to grant alternative site measuring 2 Acres in and around Tiruchirapalli Taluk to the petitioner for petitioner`S cultivation (Petition column Prayer added vide Court order dated 26.03.2021 in WMP(MD). 5321/2021 in WP(MD).3993/2009 by VPNJ)

Prayer in WP(MD)No.6511 of 2010:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Pleased to issue a Writ of Certiorarified Mandamus calling for the records of the 4th Respondent pertaining to Survey Nos. 310/1 in Navalpattu village, Tiruchirapalli, quashing the Government Order in Revenue (Ni.Mu.5(2) Department) G.O.(Standing) No.15 dated 9.1.2007 and directing the respondents 1 and 2 to grant patta to the petitioner`s holding directing the respondents 1 and 2 to grant alternative site measuring 2 Acres in and around Tiruchirapalli Taluk to the petitioner for petitioner`S cultivation (Petition column Prayer



added vide Court order dated 26.03.2021 in WMP(MD).5323/2021 in WP (MD).6511/2010 by VPNJ)

Prayer in WP(MD)No.6512 of 2010:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Pleased to issue a Writ of Certiorarified Mandamus calling for the records of the 4th respondent pertaining to Survey Nos. 310/1 in Navalpattu village, Tiruchirapalli, quashing the Government Order in Revenue (Ni.Mu.5 (2)) Department) G.O.(Standing) No.15 dated 9.1.2007 and directing the respondents 1 and 2 to grant patta to the petitioner's holding directing the respondents 1 and 2 to grant alternative site measuring 2 Acres in and around Tiruchirapalli Taluk to the petitioner for petitioner's cultivation (Petition column Prayer added vide Court order dated 26.03.2021 in WMP(MD).5321/2021 in WP (MD).6512/2010 by VPNJ)

Prayer in WP(MD)No.13113 of 2009

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records pertaining to Survey nos. 310/1 in navalpattu village, tiruchirapalli, quashing the Government Order in Revenue(Ni.Mu.5(2)) department) G.O (Standing) No. 15 dated 09/01/2007 and the ensuing proceedings of transfer made by the respondents 1 and 2 in favour of the third respondent and directing the respondents 1 and 2 to grant patta to petitioner holding .

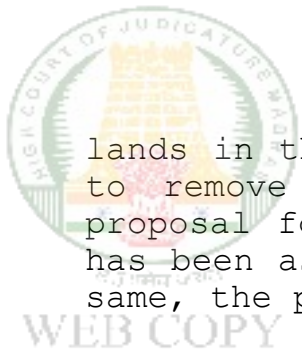
(In all Writ Petitions)

For Petitioner : Mr.S.K.Mani
For Respondent : Mr.Veera Kathiravan,
Nos.1, 2 and 4 Additional Advocate General,
assisted by D.Gandhiraj,
Special Government Pleader
For Respondent : Mr.R.Sekaran
No.3

ORDER

These writ petitions are filed challenging the allotment of lands made in favour of the third respondent ELCOT.

2.The Government thought it fit to allot a piece of land in Survey No.310/1, Navalpattu village, Tiruchirappalli District for establishing IT park by the ELCOT. The petitioners have filed these writ petitions that they are Burma refugees and they have been allotted with the subject lands for agricultural purpose in the year 1985. Since then they have been cultivating these lands for more than eighteen years and for the purpose of assignment of the



lands in their favour, the District Collector had taken initiatives to remove those lands from the prohibitory book and also made proposal for assignment in their favour. In the meantime, the land has been assigned to the third respondent ELCOT. Aggrieved over the same, the present writ petitions have been filed.

3.Mr.S.K.Mani, learned Counsel for the petitioners submits that the District Collector, in his proceedings dated 25.06.1985, has recorded that the petitioners are in occupation of the lands for more than eighteen years and considering the same, a piece of land to an extent of 68 Acres in S.No.310/1 was removed from the prohibitory book. He also recommended for assignment of the land in favour of the petitioners. However, the officials, who are responsible for issuing patta, have not taken any initiative in favour of the petitioner for issuing assignment order. In the meantime, the lands were allotted to ELCOT. Since it is recorded in the proceedings of the District Collector that the petitioners were in occupation of the land for more than eighteen years, the land ought to have been assigned in favour of the petitioners, instead, the lands have been allotted to ELCOT.

4.The learned Additional Advocate General, appearing for the State submits that the petitioners are not having any vested right to claim that the land should be assigned to them. The subject land is situated near Tiruchirappalli central bus stand and the market value of land is around rupees fifty crore. The land has been allotted to ELCOT for establishing IT park in Tiruchirappalli, providing employment opportunities to the unemployed.

5.The learned Counsel for the third respondent ELCOT submits that they purchased the land at a cost of around rupees thirty crore for the development of infrastructure and in the said land its office is functioning for more than fifteen years.

6.This Court heard the rival submission made on either side and perused the materials placed on record.

7.Admittedly the petitioners are Burma refugees. The land in dispute was allotted to the petitioners for agricultural purposes in the year 1985. But, no order of assignment was passed in their favour. However, the District Collector has recorded in his proceedings on 25.06.1985 that the petitioners were in occupation of the land for more than eighteen years and passed an order to remove the land from the prohibitory book. However, before issuance of any order or patta in favour of the petitioners, the Government has taken a decision to allot the said land to the third respondent ELCOT. The third respondent purchased the land for establishment of IT park and they are running their office for more than fifteen years in the said land.



8.The respondents considering that the petitioners are Burma refugees, allotted the lands to them for cultivation in the year 1987. However, because of non-assignment of patta, they cannot be deprived of their livelihood. Therefore, the respondents shall consider the eligibility of the petitioners under any other welfare scheme implemented by the Government and extend the benefits to them, if they are eligible. It is always open to the petitioners, to work out their remedy in the manner known to law.

9.In view of the above, these writ petitions shall stand dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

dsk

To

1.The District Collector,
Tiruchirappalli District,
Collectorate,
Tiruchirappalli - 620 001.

2.The District Revenue Officer (Rehabilitation),
Collectorate, Tiruchirappalli - 620 001.

3.The Business Development Manager,
The Electronics Corporation of
Tamil Nadu Limited,
Collector's Office Road,
Tiruchirappalli - 620 001.

4.The Secretary to Government,
Department of Revenue,
Fort St.George, Chennai.

+1 CC to M/s.SPL GP (SR-14081[F] dated 29/03/2021)

W.P(MD)No.3992 of 2009
07.04.2022

RK(19/05/2022) 7P 6C