



W.P(MD)No.14877 of 2012

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.07.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.14877 of 2012

1.Mehadharshini Resorts Pvt Ltd.,
Represented by its Director
A.S.T.Jayaraman.

2.M.M.K.Vettaikaran Educational Trust,
Represented by its Trustee
Babu Ramasamy.

3.Youthful Entertainers,
Represented by its Director
Ramakrishna Padhuke.

4.Hiwavys Family Kitchens,
Represented by its Director
S.Dhanabakiam.

... Petitioners

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Tourism and Culture Department,
Fort St.George,
Chennai-600 009.

2.The Commissioner,
Tourism and Culture Department,
No.1, Wallajah Road,
Tourism Complex,
Triplicane, Chennai-600 005.



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3.The Director,
Panchayat Department,
Kuralagam, Chennai-600 001.

4.The District Collector,
Theni District,
District Collector Office Complex,
Madurai Road,
Theni.

5.The Assistant Director,
Special Panchayat,
District Collector Office Complex,
Madurai Road, Theni.

6.The Executive Officer,
Hiwavys Special Panchayat,
Megamalai Post,
Chinnamanur Via,
Theni District-625 531.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order in Na.Ka.No. 38024/2011/AA1 dated 04.10.2012 passed by the fourth respondent and the orders passed by the sixth respondent in Na.Ka.No.9/2012 dated 12.07.2012 and 28.08.2012 respectively and quash the same and to direct the fourth respondent to pass orders on the representations of the petitioners dated 10.07.2012 and allot suitable land in Highways, Town Panchayat for developing Eco Friendly Tourism Resorts.

For Petitioner	: M/s.A.Banumathy
For R1 - R5	: Mr.S.Shanmugavel Additional Government Pleader
For R6	: Mr.R.Velmurugan



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ORDER

The present writ petition has been filed seeking to quash the order passed by the sixth respondent, under which, the request of the petitioners for allotment of 3 acres of land for formation of resort has been rejected.

2. A perusal of the affidavit shows that the petitioners are Private Limited Companies and an Educational Trust and they are promoters of Hill Resorts. Hence, they have approached the sixth respondent, Town Panchayat, for allotment of 3 acres of land, so that, they could promote a resort. The said request of the petitioners has been rejected under the impugned order on the ground that there is no Government Poramboke land in the said locality. The said order is under challenge in the present writ petition.

3. The learned Counsel for the respondent contended that the area in which the petitioners proposed to form a resort has already been declared to be a Tiger Reserve Forest called as Srivilliputhur Megamalai Tiger Reserve Forest under G.O.(Ms).No.14, dated 08.02.2021.



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4. A perusal of the affidavit and the impugned order indicate that the petitioners are proposing to form a Resort in a Government property. The petitioners have no legal right whatsoever to approach the Government or the local authority for allotment of land for formation of a Resort. Even assuming that the land does not fall within the Tiger Reserve Forest area, the petitioners have no legal right whatsoever to seek for allotment of land for recreation purposes.

5. With the above said observations, this Writ Petition is dismissed. No costs.

22.07.2022

Index : Yes / No
Internet : Yes / No
jbr

To

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5.The Assistant Director,
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R.VIJAYAKUMAR ,J.

jbr

Order made in
W.P(MD)No.14877 of 2012

Dated:
22.07.2022