



W.P.(MD).No.14898 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.14898 of 2013

D.Sethuraman

... Petitioner

Vs.

1.State of Tamil Nadu,
represented by its Secretary,
Department of Revenue,
Fort St.George,
Chennai – 9.

2.The District Collector,
Sivagangai District,
Sivagangai.

3.The Tahsildar,
Tirupathur Taluk,
Sivagangai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondent No.2, to provide the lands in Survey No.34/3 to an extent of 3 acres in Manakudi Village, Sivagangai District for the petitioner as per the Assignment of land to Ex-Servicemen provided in the Standing orders of the Board of Revenue within the time period stipulated by this



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Court.

For Petitioner : Mr.T.Lajapathi Roy
For Respondents : Mr.N.Muthu Vijayan
Special Government Pleader

ORDER

The present writ petition has been filed seeking a Writ of Mandamus, directing the second respondent to provide assignment to the writ petitioner for an extent of 3 acres in Survey No.34/3 in Manakudi Village, Sivagangai District, on the ground that the petitioner is an Ex-Serviceman.

2.According to the learned Counsel for the petitioner, as per revenue standing order No.15(3) and 15(12) serving personnel or Ex-Servicemen are eligible for assignment of Government waste land for bonafide rehabilitation purposes. However, as per the said revenue standing order, the said request cannot be made as a matter of right.

3.A perusal of the order passed by the 3rd respondent herein, dated 26.03.2012, discloses that as on today, there is no scheme for assignment

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of land. As and when the Government declares any such scheme, the request of the petitioner would be considered.

3.The learned Special Government Pleader appearing for the respondents contended that the petitioner had sought for a specific extent of 3 acres in a particular survey number by way of an order of assignment. The petitioner has no right whatsoever to claim right over a particular land on a specific survey number.

4.Even as per revenue standing order projected by the writ petitioner, the Ex-Serviceman cannot make request for assignment of land as a matter of right. In the present case, the Government has not totally rejected the request of the petitioner but has only stated that as of now there is no scheme and as and when such a scheme is introduced, his request would be considered.

5.In the light of the above said facts, the second respondent is directed to consider the request of the petitioner in the light of the



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scheme prevailing as on today, if he is otherwise eligible.

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6. With the above said observation, the writ petition is disposed of.

No costs.

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Index : Yes / No
Internet : Yes / No

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To

1. The Secretary,
Government of Tamil Nadu,
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Fort St. George,
Chennai – 9.

2. The District Collector,
Sivagangai District,
Sivagangai.

3. The Tahsildar,
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Sivagangai District.



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R.VIJAYAKUMAR ,J.

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Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

Order made in
W.P.(MD).No.14898 of 2013

26.07.2022