



W.P.(MD)No.1644 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :21.12.2022

CORAM

THE HONOURABLE MR.JUSTICE K. KUMARESH BABU

W.P.(MD)No.1644 of 2013

and

M.P.(MD).No.2 of 2013

K.Suresh

... Petitioner

Vs.

1.The District Collector,
Tuticorin District,
Tuticorin.

2.The Revenue Divisional Officer,
Kovilpatti,
Tuticorin District.

3.The Tahsildar,
Kovilpatti-Taluk,
Tuticorin District.

4.The District Collector,
Tenkasi District, Tenkasi.

5.The Revenue Divisional Officer,
Sankarankovil Taluk, Tenkasi District.

6.The Tahsildar,
Sankarankovil Taluk, Tenkasi District.

... Respondents

***(R4 to R6 are impleaded vide Court order dated 14.11.2022 in W.M.P.
(MD).No.18789 of 2022 in W.P.(MD).No.1644 of 2013 by RVJ)***

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PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order A1/7104/2012, dated 04.10.2012 passed by the 2nd respondent as void and illegal and quash the same, and consequently direct the respondents 1 and 2 to assign the land of 1.23.5 hectares in S.No.764/3 in Thonugal Village, in Kovilpatti Taluk to this petitioner within a time frame.

For Petitioner :Mr.F.X.Eugene

For Respondents :Mrs.D.Farjana Ghowshia
Special Government Pleader

ORDER

This writ petition has been filed challenging the order passed by the 2nd respondent dated 04.10.2012, wherein, the request of the petitioner for assignment had been rejected on the ground that the petitioner is not a resident of the District, in which, he had made an application.

2.Mr.F.X.Eugene, learned counsel for the petitioner would contend that when the recommendation was made, the petitioner was a resident of the District in question. However, due to certain difference with



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his father, he had settled in his wife's village, which now falls under the Tenkasi District. He would further contend that all the recommendations have been made by various authorities. But, however, his application has been rejected, on the ground that he is not a resident of Tenkasi District. He would further contend that there can be no bar for grant of assignment in respect of the land, since he is an Army person, he would be entitled for assignment in any place of India.

3.Countering his arguments, Mrs.D.Farjaha Ghoushia, learned Special Government Pleader would submit that the lands in a particular Revenue District are meant for the benefit of the person who had been domicile in the District. She would further submit that even though the petitioner originally was a resident of Tenkasi District, for the reasons best known to him, has not stated that his residence is away from the District and therefore, his application cannot be considered.

4.I have considered the rival submissions made by the counsel appearing on either side.



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5. The petitioner in this case is not a resident of Kovilpatti. The assignments were made by the Government taking into consideration the various aspects. The purpose of assignment of land is for the benefit of the landless persons and the persons in service for the protection of nation. Such benefit cannot be as a matter of right claimed or sought, that too in a particular area or a particular land.

6. Therefore, I do not find any infirmity in the order passed by the 2nd respondent herein. However, the petitioner is at liberty to approach the District Collector/the 4th respondent herein and make appropriate application seeking for assignment of land. On receipt of the application from the petitioner, the 4th respondent herein shall pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of such application.



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7. With the above observations, this writ petition is disposed of.

No costs. Consequently, connected miscellaneous petition is also closed.

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Index : Yes / No

Speaking Order/Non Speaking Order

sbn

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3. The Tahsildar,
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K.KUMARESH BABU, J.

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