



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2022

CORAM:

THE HON'BLE MR.MUNISHWAR NATH BHANDARI,
THE CHIEF JUSTICE

and

THE HON'BLE MR.JUSTICE PARESH UPADHYAY

W.P.(MD) No.7893 of 2022

and

W.M.P.(MD) Nos.5915 & 5916 of 2022

Chelliah

... Petitioner

-vs-

1.The District Collector,
Trichirapalli District.

2.The Block Development Officer,
Thathayangarpettai Panchayat Union,
Jambumadai,
Trichirapalli District.

3.The Executive Officer,
Thathayangarpettai Panchayat Union,
Jambumadai,
Trichirapalli District.

4.The General Manager,
Trichirappalli District Co-operative Milk Producers Union (Aavin)
Kottapattu,
Trichirapalli.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records pertaining to the proceedings of the first respondent in Na.Ka.A4/3853/2017, dated 31.08.2020 and quash the same and consequently direct the respondents 1 and 2 to implement the resolution passed by the third respondent dated 29.03.2022.

For Petitioner : Mr.N.Sudhagar Nagaraj

For Respondents : Mr.S.R.A.Ramachandran

Additional Government Pleader - R1 & R4

Mr.P.Thilak Kumar,

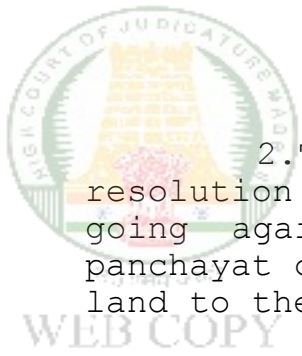
Government Pleader - R2 & R3

O R D E R

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

By this writ petition challenge is to the order dated 31.08.2020, passed by the District Collector, Trichirappalli District.

<https://hcservices.courts.gov.in/hcservices/>



2.The learned counsel for the petitioner submits that the resolution was taken by the panchayat for the Survey No.613, but going against the resolution and without consultation of the panchayat or any other body, the District Collector has allotted the land to the fourth respondent for construction of a chilling plant.

3. In view of the above challenge, the learned Additional Government Pleader submits that the land in Survey No.613 is a Government poramboke land and therefore, the District Collector is competent to issue an order to transfer the land to the fourth respondent for construction of a chilling plant. The fourth respondent is Trichirappalli District Co-operative Milk Producers Union and requiring the chilling plant therein to serve the public, a decision has been taken by the District Collector without offending any provisions of law. The land in Survey No.613 is not a land for public way or whereas, the panchayat is to take a resolution. Therefore, the District Collector within his power issued an order for allotment of land for establishment of the chilling plant.

4. We have considered the rival submissions and find that the challenge to the order of the District Collector has been made in reference to the resolution taken by the panchayat for the same Survey No.613. But the learned counsel for the petitioner has failed to show the authority of the panchayat to take a resolution for the Government land. It is not otherwise shown to be a land of the public way or to be used in the manner the petitioner wishes, without establishing his right and therefore, we do not find any ground to challenge the order passed by the District Collector having competence to pass an order in regard to Survey No.613 to allot the land to the fourth respondent.

5. The writ petition lacks merits and accordingly, dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

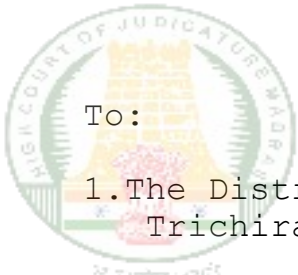
Assistant Registrar (W)

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/ /2022

Sub Assistant Registrar(CS)

krk / rm



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Kottapattu,
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+1 CC to M/s.SPL.GP. (SR-21689[F] dated 27/04/2022)

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RD(04.05.2022) 3P 6C