



W.P(MD)No.28628 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28628 of 2022

and

W.M.P(MD)Nos.22660 & 22661 of 2022

Sundarraaj

... Petitioner

Vs

1.The District Collector,
O/o.District Collectorate,
Velu Nachiyar Campus,
Dindigul,
Dindigul District.

2.The Thasildar,
Oddanchathiram Taluk,
Dindigul District.

3.The Block Development Officer,
Block Development office,
Oddanchathiram,
Dindigul District.

4.The Chairman,
Tamilnadu Boomithan Board,
Chepauk,
Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus, to call for the records



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pertaining to the impugned Notice in Na.Ka.No.7222/2017/E2 dated 14.10.2022 on the file of the second respondent and quash the same as illegal and consequently forbearing the second respondent from interfering the property situated in S.No.64/2A and 64/2B at Kalanchipatti Village, Oddanchathiram Taluk, Dindigul District.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.Veerakathiravan
Additional Advocate General
Assisted by
Mr.B.Saravanan
Additional Government Pleader

ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Advocate General assisted by the learned Additional Government Pleader appearing for the respondents.

2. The petitioner questions the impugned show cause notice issued by the Tahsildar, Oddanchathiram. It is seen that one Chellandi Nayakkar donated lands in favour of Boomidhan Board. The donated lands were parceled and the petition mentioned land was allotted to one Azhagirisamy. The said assignment is now proposed to be cancelled. The ground on which the notice has been issued is that neither the assignee nor the legal heirs has been enjoying the assigned land.



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3. The learned Additional Advocate General rightly points that the petitioner is not having any interest as such over the land in question. He is a third party to the impugned proceedings.

4. The learned counsel appearing for the petitioner would argue that the donation was made by a person who had only 1/5th share in the land. If that be so, the donation itself has to be questioned. The consequential proceedings cannot be challenged. He would also further point out that they are accessing their land only through the petition mentioned land. This right will have to be agitated elsewhere. Since the petitioner's rights are no way affected and he is stranger to the proceedings, I dismiss the writ petition by upholding the objections raised by the learned Additional Advocate General. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

21.12.2022

Index : Yes / No
Internet : Yes/ No
MGA



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G.R.SWAMINATHAN, J.

MGA

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