



W.P.No.7398 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2023

CORAM
THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.7398 of 2018
and
WMP.No.9187 of 2018

V.Renganathan

...Petitioner

Vs.

1. The Chief Executive Officer,
Tamil Nadu Khadi and Village Industries Board,
Vth Floor, Explanad,
Kuralagam, Chennai-600 108.
2. The Assistant Director,
Khadi and Village Industries Board,
Villupuram-605 602.
3. The State of Tamil Nadu,
Rep. by its Secretary,
Handloom, Handicrafts, Textiles and Khadi Department,
Fort St. George, Chennai-600 009. ...Respondents

(R3 impleaded, vide order dated 20.08.2019 made in WMP.No. 22136 of 2019 in W.P.No.7398 of 2018)

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to return the land comprised in S.No.132/2, situated at Sirukadambur, Gingee admeasuring an extent of 0.11 Acres gifted by the petitioner to the 2nd respondent through a



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Gift Deed dated 30.11.1983 registered as Document No.1415 of 1983 on the file of Sub Register, Gingee, Villupuram District as per law.

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For Petitioner : Mr.G.Ethirajulu

For Respondents : Mr.S.K.Bose, for R1 & R2
: Mr.M.Alagu Goutham, for R3

ORDER

The petitioner has filed this Writ petition seeking issuance of a Writ of Mandamus to direct the respondents to return the subject land back to the petitioner.

2. The case of the petitioner is that the petitioner is doing social work in and around Gingee Town and when he came to know about the requirement of the respondent board to establish a Spinning Unit for Kather cloth in order to improve the village industries, the petitioner, vide Gift Deed dated 30.11.1983 registered as Document No.1415 of 1983 gifted the land comprised in S.No.132/2, measuring an extent of 0.11 Acres, situated at Sirukadambur, Gingee to the 2nd respondent with a condition that, the said land should be used for spinning mill only. Pursuant to the same, the 1st respondent established a small industry manufacturing Kadher Cloths.



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However, after a short span of time, the same was closed and for the past 25 years, no one from the respondent board took care of it, due to which, the unwanted social elements are making several attempts to illegally grab the subject property. Therefore, the petitioner issued a notice dated 21.11.2017 to the respondents seeking to handover the said land back to the petitioner, however, the same was not considered. Aggrieved by the inaction on the part of the respondents, the petitioner sent several reminders dated 03.01.2018, 05.01.2018 and 06.03.2018, however, no reply was given to the said notices and till date, the respondents have not returned the subject land to the petitioner. Hence, this petition.

3. Learned counsel for the petitioner submitted that, though the petitioner has gifted the subject property in favour of the respondent board for the purpose of improving the village industries, however, the same was not utilised for the purpose for which it has been gifted for. Hence, he submits that it would suffice if this Court issues direction to the respondents to consider the petitioner's representation dated 21.11.2017 and return the subject land back to the petitioner as early as possible.



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4. On the above said contention, heard learned counsel appearing for the respective respondents and perused the materials available on record.

5. On a perusal of the materials placed on record, particularly the counter affidavit filed by the 1st respondent, the respondent board have themselves admitted that the petitioner gifted the subject property in favour of the respondent board in the year 1983 for the purpose of establishing a Spinning unit and the same was utilized by the Board till 1992 and till date the said land is in possession and ownership of the respondents and the same was not grabbed by any anti-social acts and that, the respondent board is now contemplating to establish a silk weaving unit in Sirukadambur village to create employment opportunity to the silk weavers.

6. In response, learned counsel for the petitioner submitted that, if the respondents are going to utilise the subject land for the purpose for which it has been gifted, the petitioner has no objection for the same.

7. In view of the above facts, this Court without expressing any



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opinion on the merits of the case, directs the 1st respondent to establish a silk weaving unit in Sirukadambur village as undertaken in their own Counter affidavit.

8. With the above observations and directions, this Writ petition stands disposed of. No costs. Consequently, connected Miscellaneous petition is closed.

06.03.2023

skt

Speaking Order : Yes/ No

Index : Yes/ No

To

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Kuralagam, Chennai-600 108.
2. The Assistant Director,
Khadi and Village Industries Board,

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Villupuram-605 602.

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3. The State of Tamil Nadu,
Rep. by its Secretary,
Handloom, Handicrafts, Textiles and Khadi Department,
Fort St. George, Chennai-600 009.

M.DHANDAPANI., J.

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