



WEB COPY

WP No.12779 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28-04-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.12779 of 2023

And

WMP No.12586 of 2023

J.Joseph

... Petitioner

Vs.

1.The District Collector,
District Collector Office,
Chengalpattu,
Chengalpattu District.

2.The District Revenue Officer,
District Revenue Office,
Chengalpattu,
Chengalpattu District.

3.The Tahsildar,
Tahsildar Office,
Tambaram,
Chengalpattu District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India



WEB COPY



for issuance of a Writ of Certiorarified Mandamus, calling for the records of the third respondent dated 22.04.2019 in proceedings Na.Ka.1790/2019 to quash the same and consequently directing the respondents 1 to 3 to provide Government lands (Unused) Nanchai Tharasu in Old Perungalathur Village in S.No.394/2 by concessional rate.

For Petitioner : Mr.C.Venkatesan
For Respondents : Mr.S.Ravichandran,
Additional Government Pleader.

ORDER

The order of rejection passed by the third respondent dated 22.04.2019 rejecting the claim of the writ petitioner for assigning two acres of Government poramboke land, is under challenge in the present writ petition.

2. The petitioner states that he is the Managing Director of 'Helen Devis Memorial Medical Foundation', which is a Voluntary Health Organisation provide services to the underprivileged and disadvantaged people. The petitioner submitted a representation to assign two acres of lands for the purpose of developing its service activities.



3. The learned counsel for the petitioner mainly contended that the Village Administrative Officer, Tambaram Circle, recommended the case of the writ petitioner considering the purpose and object of the Foundation.

4. Though the Village Administrative Officer recommended the case of the writ petitioner, the Tahsildar, Tambaram rejected the claim of the writ petitioner to sell the Government land for concessional rate. Thus the petitioner is constrained to move the present writ petition.

5. The learned Additional Government Pleader appearing on behalf of the respondents assisted by Smt.S.Kavitha, Tahsildar, Tambaram, Chengalpattu District [94450 00502] made a submission that the land is classified as 'Government Poramboke' and is with the possession of the Government. Therefore, the said land cannot be assigned or to be sold in favour of the writ petitioner. The lands are kept for public usage and to develop infrastructure facilities for the benefit of the people at large. Thus the claim of the writ petitioner was rejected.



6. Perusal of the recommendations made by the Village Administrative Officer and the Revenue Inspectors reveal that without any authority of law, she has made such recommendations. The manner in which the case of the writ petitioner was recommended is self evident that there is a possibility of extraneous considerations and in this regard, the learned Additional Government Pleader appearing on behalf of the respondents brought to the notice of this Court that the Village Administrative Officer has been transferred.

7. Mere transfer would be insufficient in such nature of cases and the District Collector has to conduct an enquiry with reference to the illegal recommendations made by the Village Administrative Officer and the Revenue Inspector without any authority of law. Such recommendations would lead to corrupt practices and further, it will lead to loss of revenue to the State Exchequer and to its properties.

8. Whenever such recommendations are made by the Subordinate Authorities without any authority of law, it is to be construed as



misconduct and more-so, an enquiry is to be conducted to cull out the truth behind such recommendations, whether it was made on extraneous considerations or otherwise. Thus the District Collector has to ascertain the performance of those Village Administrative Officers and Revenue Inspectors concerned, who made recommendations, verify their assets and details and other aspects with reference to the declaration given by them in the Service Register and accordingly, if any discrepancy found, the Authorities are bound to initiate appropriate actions under the relevant provisions of law and also under the Tamil Nadu Civil Services (Discipline and Appeal) Rules or under the Tamil Nadu Government Servants Conduct Rules.

9. As far as the claim of the writ petitioner is concerned, the Government land cannot be assigned or sold merely based on the application submitted by the petitioner and such claims at no circumstances be entertained by the Competent Authorities without any authority of law or in the absence of any Scheme or otherwise introduced by the Government of Tamil Nadu.



WEB COPY

WP No.12779 of 2



10. With the abovesaid observations, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is also dismissed.

28-04-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn



To

WEB COPY

1. The District Collector,
District Collector Office,
Chengalpattu,
Chengalpattu District.
2. The District Revenue Officer,
District Revenue Office,
Chengalpattu,
Chengalpattu District.
3. The Tahsildar,
Tahsildar Office,
Tambaram,
Chengalpattu District.



WEB COPY

WP No.12779 of 2



S.M.SUBRAMANIAM, J.

Svn

WP 12779 of 2023

28-04-2023