



WEB COPY



W.P.No.17608 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2023

CORAM

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.No.17608 of 2023

M/s.S N Damani Estates LLP.,
Represented by its Authorised Signatory – S.Kalyani
Office at No.19 (8) Rajarathinam Street,
Kilpauk, Chennai – 600 010.

...Petitioner

Vs

1.The Commissioner,
Commissioner of Land Reforms,
Ezhilagam, Chepauk,
Chennai 600 005.

2.The District Collector,
Office of the District Collectorate – Thiruvallur,
Master Plan Complex, NH 205,
Chennai – Tiruttani Highway,
Thiruvallur – 602 001.

3.The District Revenue Officer,
Office of the District Collectorate – Thiruvallur,
Master Plan Complex, NH 205, Chennai – Tiruttani Highway,
Thiruvallur 602 001.

4.The Tahsildar – Thiruvallur,
Thiruvallur Taluk Office, J N Road,
NH- 716 Thiruvallur.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of



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India, to issue a Writ of Mandamus directing the 3rd and 4th respondents to file the feasibility report as called upon by the 2nd respondent herein by the letter No.Na.Ka.24508/2021/No.2 dated 04.10.2021, and consequently the 2nd respondent be directed to dispose of the representation dated 03.04.2023.

For Petitioner : Mr.V.S.Hanu Babu Koka
For Respondents : Mr.D.Ravichander
Special Government Pleader
for R1 to 4

ORDER

The relief sought for in the present writ petition is to direct the 3rd and 4th respondents to file feasibility report as called upon by the 2nd respondent by letter dated 04.10.2021 and consequently direct the 2nd respondent to dispose of the representation dated 03.04.2023.

2. The learned counsel for the petitioner mainly contended that the petitioner is a Company owning self acquired lands to a total extent of 38 acres and 79 cents in Karanai Village and Magaral Village, Thiruvallur Taluk and District. The lands were acquired by the Company for establishing a large scale industry for manufacturing and production of Card Board Boxes and allied products. The industry will provide employment for the inhabitants and other villagers. Plan approval for establishment of the



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industry was submitted to the Directorate of Town and Country Planning, which was approved for establishment of industry.

3. The grievance of the writ petitioner is that one particular portion is landlocked and the petitioners have no free access. In this regard, they have submitted a representation and the 2nd respondent/District Collector has called for a feasibility report. That being the factum, the representation submitted by the petitioner in this regard is to be considered.

4. The learned Special Government Pleader raised an objection by stating that even as per the representation submitted by the petitioner dated 02.05.2022, the land belonging to the petitioner is situated adjacent to Government poramboke land. Therefore, they want to acquire the Government poramboke land for the benefit of their company which cannot be permitted. That apart, the Tahsildar, Thiruvallur had already inspected the land in S.No.9/2 of an extent of 0.33.0 Ares being Government Tharisu land and proposed to issue pattas to the villagers of Karanai Village under the Government Welfare Schemes. Once the Government land has already been measured by the Tahsildar and action has been initiated to issue pattas



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to the landless poor people under the Government Welfare Schemes, the claim of the petitioner cannot be considered by the respondents.

5. Be that as it may, this Court is of the considered opinion that mere representation in this regard would not resolve the issues. No writ against such representation is entertainable unless any right or infringement of right has been established. General direction to dispose of the representation would do no service to the cause of justice. The litigant will be back again to this Court or it will pave way for corrupt practices in Government machinery. Therefore, Courts are bound to ascertain the rights of the parties or infringement of such right and entertain the writ petition and grant appropriate relief. Mechanically issuing a direction will cause prejudice to either of the parties and litigants ultimately will be frustrated against the Justice Delivery System itself. Thus, High Courts are expected to entertain writ petitions only in the event of establishing right and not otherwise. In the present case, allotment of Government land in favour of the petitioner cannot be construed as a right. The Government has already measured the land and has taken a decision to allot the poramboke land to the landless poor people under the Government Welfare Scheme. This being the factum,



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this Court is not inclined to entertain the writ petition. Accordingly, the Writ

Petition stands dismissed. However, there shall be no order as to costs.

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Index : Yes/ No

Speaking order : Yes /No
Sgl

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S.M.SUBRAMANIAM, J.

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