



W.P.No.16174 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.16174 of 2021 and
W.M.P.Nos.17113 abd 17115 of 2021 and
W.M.P.No.3468 of 2023

C.Santhanakrishnan

... Petitioner

Vs

1.The Principal Secretary /
Commissioner of Land Administration,
Chepauk, Chennai – 600 005.

2.The District Collector,
Coimbatore.

3.The Tahsildar,
Anaimalai Taluk,
Coimbatore District.

4.The Village Administrative Officer,
Periapodhu,
Anaimalai Taluq,
Coimbatore District.

5.P.K.Padmanaban

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India
praying for issuance of a Writ of Certiorari calling for the records from the



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respondents with regard to the impugned order No.Proc.No.F1/795483/2020, dated 12.01.2021 passed by the 1st respondent quash the same.

For Petitioner : Mrs.V.Geetha Rani

For Respondents : Mr.T.Arunkumar
Additional Government Pleader
for R1 to R4

ORDER

The order dated 12.01.2021 passed by the Principal Secretary/Commissioner of Land Administration is under challenge in the present writ petition.

2. In respect of the subject property whether it can be assigned in favour of the private individuals or to retain by the Government for public usage as 'pathway', one P.K.Padmanabhan filed W.P.No.32318 of 2019 praying for a direction to revoke the order dated 12.04.2017, granting assignment to the petitioner / 5th respondent therein. The Division Bench of this Court, while disposing of the writ petition, passed an order dated 19.11.2019, which reads as follows:

“4. Revenue Standing Order No.XV (RSO.XV) deals



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with disposal of the lands and in the considered opinion of this Court whether the said land in question is a “Natham Poromboke” pathway or not?, cannot be adjudicated by this Court, in exercise of it's jurisdiction under Article 226 of the Constitution of India, for the reason that it requires summoning and appreciation of documents and it may also involve adjudication on disputed question of facts.

5. In the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, if the petitioner is so advised, he is at liberty to avail the appeal remedy before the Commissioner, Land Administration, Chepauk, Chennai-600 005 along with petition for condonation of delay, if any and upon receipt of the same, if the papers are otherwise in order subject to the limitation / condonation of the same, the Commissioner, Land Administration, Chennai-600 005, may entertain the appeal after putting the petitioner as well as the 5th respondent on notice and consider and dispose of the same in accordance with law as expeditiously as possible.”

3. Pursuant to the direction issued by the Division Bench of this Court, the 5th respondent has filed an Appeal Petition before the Commissioner of Land Administration and the Commissioner of Land



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Administration, after conducting an enquiry and considering the grounds raised by the 5th respondent, passed an elaborate order in Proceeding No.F1/795483/2020 dated 12.01.2021 and formed an opinion that the assignment granted in respect of the individuals are to be cancelled and the subject property is to be utilised as 'pathway'. A direction was issued to refund the land cost collected from the writ petitioner and also to restore the land as Natham Street and carryout necessary changes in the revenue records. The said order passed by the Commissioner of Land Administration has been implemented by the District Collector in Proceeding dated 27.02.2021.

4. The learned counsel for the petitioner states that the petitioner is enjoying the assignment for several years. Mere assignment would not confer any right for the petitioner since the Government has decided to utilise the land as 'public pathway'. When the public interest has been considered by the Competent Authorities for the purpose of utilising the subject property as 'public pathway', the cancellation of assignment cannot be found to be perverse. In view of the facts and circumstances, the petitioner has not made out any acceptable ground for the purpose of



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granting the relief as sought for by the petitioner, accordingly the Writ

Petition stands dismissed. The respondents are directed to refund the deposit made by the petitioner as expeditiously as possible. There shall be no order as to costs. Consequently, connected miscellaneous petitions are also dismissed.

05.06.2023

Index : Yes

Speaking Order : Yes

Sgl

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S.M.SUBRAMANIAM, J.

Sgl

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