



WEB COPY

W.P. No.22234 of 2017



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2023

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.22234 of 2017

and

W.M.P. No.23267 of 2017

R.Govindasamy

... Petitioner

Vs.

1. The Director of Land Reforms

Ezhilagam, Chepauk

Chennai - 600 005

2. The District Collector

Coimbatore, Coimbatore District

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus to call for the records relating to the impugned order of the 1st respondent in Na.Ka.No.K4/4176 (Boo.Vaa) dated 28.06.2017 and quash the same and direct the respondents to assign to the petitioner 1.46 acres of land comprised in S.Nos.32/1 (1.18 acres), 32.6 (0.06 acres) and 32/2B (0.22 acres) situated in Singanallur Village, Coimbatore (South) Taluk, Coimbatore District.

For Petitioner : Mr.P.Rajendran

For Respondents : Mr.P.Gurunathan

Additional Government Pleader



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ORDER

This Writ Petition is filed for a writ of Certiorarified Mandamus to call for the records relating to the impugned order of the 1st respondent in Na.Ka.No.K4/4176 (Boo.Vaa) dated 28.06.2017 and quash the same and direct the respondents to assign to the petitioner 1.46 acres of land comprised in S.Nos.32/1 (1.18 acres), 32.6 (0.06 acres) and 32/2B (0.22 acres) situated in Singanallur Village, Coimbatore (South) Taluk, Coimbatore District.

2. The grievance of the petitioner is that the subject land is a boomithan land which was originally assigned to one Krishnasamy Naidu and since he had not complied with the conditions imposed in the assignment, it was cancelled and subsequently, it was proposed to allot to the writ petitioner and the petitioner was informed that after completing the formalities, the land would be assigned to him. Till then, the petitioner was permitted to cultivate the land to ensure that the land does not remained barren (Tharisu). Even in the village records, the petitioner has been shown as the person cultivating the said lands. While so, the 1st respondent has passed the impugned order stating that the petitioner is not eligible for getting



assignment on the ground that the annual income of the writ petitioner is more than Rs.1,80,000/- and further, without any permission, he has encroached and cultivating the land. Therefore, the petitioner has filed the present writ petition challenging the said impugned order.

3. The learned counsel for the petitioner submitted that though in the impugned order it is stated that the annual income of the writ petitioner more than Rs.1,80,000/- and that he has been cultivating the said land by encroachment, the letter dated 20.08.1996 given by the Boomithana Inspector to the Village Administrative Officer, would clearly show that the petitioner was permitted to cultivate the land till getting appropriate orders. Further, the income certificate issued by the Tasildar would clearly show that the annual income of the writ petitioner's family is only Rs.72,000/-. Therefore, the impugned order passed by the 1st respondent is erroneous. Hence, the same may be set aside and suitable orders may be passed directing the respondents to issue assignment and also patta to the writ petitioner.

4. The learned Additional Government Pleader appearing for the respondents submitted that the annual income of the writ petitioner is more than Rs.1,80,000/- and since his income is over and above the eligible limit,



the petitioner is not eligible for the assignment. Further, without any appropriate orders, the petitioner's possession is illegal and therefore, he is a trespasser. When the petitioner is not eligible for the assignment, his possession cannot be legalized. Therefore, there is no merit in this writ petition and the same is liable to be dismissed.

5. Heard both sides and perused the materials available on record.

6. Admittedly, the Boomithana Inspector has sent a letter to the Village Administrative Officer regarding granting permission to the petitioner to cultivate the said land, which has not been denied by the respondents. Further, the income certificate produced by the petitioner shows that his family annual income is only Rs.72,000/-. However, the respondents have not stated anything about the genuinity and validity of both the documents in the impugned order. Therefore, the impugned order passed by the 1st respondent is set aside.

7. The respondents are directed to issue notice to the petitioner as well as to the interested parties/rival claimants if any, and after giving opportunity



of hearing them, pass appropriate orders in accordance with law, within a period of three months from the date of receipt of a copy of this order.

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

16.11.2023

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

To

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

2. The District Collector
Coimbatore, Coimbatore District



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P.VELMURUGAN. J.

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