



W.A.(MD)No.576 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.A.(MD)No.576 of 2022

and

C.M.P.(MD)Nos.4970 and 11187 of 2022

A.Dhanendran

... Appellant / Petitioner

-Vs-

- 1.The District Collector,
Pudukkottai District, Pudukkottai.
- 2.The Revenue Divisional Officer,
Eluppur, Pudukkottai District.
- 3.The Tahsildar,
Ponnamaravathi Taluk,
Ponnamaravathi, Pudukkottai District.

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WEB COURT

4.The Deputy Director of Agriculture,

Agricultural Marketing and Agri Business,

Pudukkottai, Pudukkottai District.

... Respondents / Respondents

PRAYER: Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 29.12.2021 made in W.P.(MD)No.23235 of 2021 on the file of this Court.

For Appellant : Mr.D.Srinivasaraghavan

For Respondents : Mr.M.Sarangan,

Additional Government Pleader

JUDGMENT

[Judgment of the Court was delivered by D.KRISHNAKUMAR, J.]

This Writ Appeal is directed against the order dated 29.12.2021 made in W.P.(MD)No.23235 of 2021 on the file of this Court.

2.The case of the appellant / writ petitioner is that originally, the land in Survey No.701/3 measuring to an extent of 0.22.0 ares, approximately 54 cents situated at Ponnamaravathi West Village, Ponnamaravathi Taluk,

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Pudukkottai District was assigned in favour of one Palaniyaye by the Tahsildar, Thirumayam Taluk in the year 1969. Thereafter, she alienated the land in question to the mother of the appellant in the year 1972. Therefore, the 2nd respondent cancelled the assignment granted in favour of the said Palaniyaye. Challenging the same, an appeal has been preferred before the Commissioner of Land Administration, Chennai and the same was remanded back to the 2nd respondent. After the remand, the 3rd respondent made recommendation for assignment of the land in question in favour of the mother of the appellant / petitioner on payment of the market value to the 2nd respondent, who in turn, made recommendation to the District Revenue Officer, Pudukkottai and the same is still pending. Pending the same, the 3rd respondent assigned the land in question to other three persons. Therefore, the appellant / petitioner filed an appeal before the 2nd respondent. Thereafter, the said assignment was also cancelled. In such circumstances, the 1st respondent passed an order dated 15.12.2021, granting permission to the 4th respondent to use the land in question for putting up 'Uzhavar Santhai', which was impugned in the Writ Petition.



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3.The learned counsel appearing for the appellant submitted that the Writ Court has not considered the case of the appellant / petitioner in proper perspective and without considering the fact that the 2nd respondent made recommendation to the District Revenue Officer, Pudukkottai for assignment of the land in question to the mother of the appellant / petitioner on payment of market value. Therefore, on this ground, the order of the 1st respondent and the order passed by the Writ Court are liable to be set aside.

4.The learned Additional Government Pleader appearing for the respondents submitted that the aforesaid land was originally assigned to one Palaniyaye and subsequently, the same was cancelled by the 2nd respondent. Thereafter, the land in question has been classified and restored as 'Government Punja Tharisu'. At this stage, the land in question has not been assigned to any of the parties, including the appellant / petitioner. Therefore, there is no legal embargo for the 1st respondent to handover the land in question to the 4th respondent for putting up 'Uzhavar Santhai', which is a public service and there



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is no legal right to the appellant / petitioner to challenge the order of the 1st respondent.

5.Heard the learned counsel appearing for the appellant, the learned Additional Government Pleader appearing for the respondents and perused the materials available on record carefully.

6.The point for consideration in this Writ Appeal is whether the appellant is having legal right to challenge the order of the 1st respondent.

7.Admittedly, the land in question was originally, assigned to one Palaniyaye and she alienated the same to the mother of the appellant / petitioner. Therefore, the 2nd respondent cancelled the said assignment. Subsequently, the land in question was restored and classified as Government Punja Tharisu in the revenue records. Therefore, as rightly pointed out by the learned Additional Government Pleader, the appellant has no legal right to question the order of the 1st respondent, granting permission to the 4th respondent to put up 'Uzhavar



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WEB COPY Santhai' in the land in question. Therefore, we are not inclined to entertain this Writ Appeal.

8.At this juncture, the learned counsel for the appellant / petitioner has made a request before this Court that the appellant would be satisfied, if any alternative land is assigned in favour of the mother of the appellant / petitioner. We are not inclined to make any observation for such request. It is always open to the appellant / petitioner to approach the authority concerned for making such request.

9.With the above observation, this Writ Appeal stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., J.] & [L.V.G., J.]
23.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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