



W.P.(MD)No.6206 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.(MD)No.6206 of 2023

S.Natarajan

... Petitioner

Vs.

1. The District Collector,
Thoothukudi District,
Thoothukudi.

2. The Revenue Divisional Officer,
Srivaikuntam Taluk,
Srivaikuntam,
Thoothukudi District.

3. The Tahsildar,
Srivaikuntam Taluk,
Srivaikuntam,
Thoothukudi District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records on the file of the third respondent in connection with the impugned order of rejection passed by him in his proceedings in



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Na.Ka.No.A4/2516/2020, dated 27.12.2022 and quash the same as illegal, arbitrary and thereby direct the respondents to assign any suitable land to the petitioner to do agriculture under Ex-Servicemen Category in accordance with Revenue Standing Order-15(24) within the time limit that may be stipulated by this Court.

For Petitioner : Mr.G.Thalaimutharasu
For Respondents : Mr.N.Muthu Vijayan
Special Government Pleader

ORDER

This Writ Petition has been filed in the nature of Certiorarified Mandamus seeking records of the third respondent / Tahsildar, Srivaikuntam Taluk, Srivaikuntam, Thoothukudi District relating to a rejection order passed in Na.Ka.No.A4/2516/2020 on 27.12.2022 and to quash the same.

2. The petitioner is an Ex-Serviceman. Taking recourse to the Revenue Standing Order 15(24)(3), he had applied for assignment of land.

3. The learned Special Government Pleader, who had taken notice on behalf of the respondents pointed out that the said provision indicates



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that assignment can be granted only to those Ex-Servicemen, who are disabled and who can also be classified as landless poor.

4. In the affidavit, the petitioner had stated that he had joined Indian Army on 26.06.1973 and had retired on 30.06.1995 as Havildar after he had served for 22 years. He is also receiving pension. He had given a representation on 18.06.2019 seeking assignment of agriculture land. However, in the affidavit, he had not stated that he is either disabled or that he has no other land under his occupation or control or as owner.

5. Be that as it may, the impugned order came to be passed in respect of the land in S.Nos.192/1 and 193. It had been very specifically stated by the third respondent, that the lands are rocky in nature and therefore, agriculture cannot be done. It is also stated that over the lands, high tension electric wires run on and therefore, the lands are not suitable for assignment.



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6. The reasons stated are acceptable and therefore, the said lands cannot be assigned to the petitioner herein. It is also made clear that the petitioner should satisfy the conditions under RSO.15(24)(3) and only thereafter, he can expect for land to be assigned to him.

7. It is seen that he had retired in the year 1995 and made an application only in the year 2019. The impugned order, therefore, stands and the relief sought by the writ petitioner cannot be granted.

8. The Writ Petition stands dismissed. If the petitioner satisfies the conditions, then, he can make an application for assignment of land. That right is always there to the petitioner provided, to repeat, he satisfies the conditions that he is disabled and is also a landless poor. There shall be no order as to costs.

23.03.2023

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
vji



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