



W.P.(MD) No.7321 of 2023

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 21.08.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR  
and  
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**W.P.(MD) No.7321 of 2023**

**and**

**W.M.P.(MD)No.6885 of 2023**

S.Anto Morais

: Petitioner

-vs-

- 1.The Government of Tamil Nadu,  
Rep. by its Principal Secretary,  
Revenue Department,  
Secretariat, Chennai-600 009.
- 2.The Director of Municipal Administration  
75, Santhome Highway,  
Raja Annamalaipuram,  
Chennai-600 028.
- 3.The District Collector,  
Kanyakumari District  
At Nagercoil.
- 4.The Director,  
Vigilance and Anti-Corruption Wing,  
MKN Salai, Alandur,  
Chennai-600 016.
- 5.The Deputy Superintendent  
Vigilance and Anti-Corruption Wing,  
Punnai Nagar, Nagercoil-629 004.  
Kanyakumari District.



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6.The Commissioner,  
Kollemcode Municipality,  
Kollemcode Post-629 160  
Kanyakumari District.

7.The Municipality Engineer,  
Kollemcode Municipality,  
Kollemcode Post-629 160,  
Kanyakumari District.

8.Justin

9.Jayaraj

10.K.R.Santhini

11.Sapna

12.S.Rani

: Respondents

[R12 impleaded vide order dated 14.08.2023 in  
W.M.P.(MD)No.13978 of 2023]

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents 1 to 3 from converting the agricultural property bearing Resurvey Nos.661/6, 661/8, 661/9, 661/10, 661/11, 662/1, 662/2, 662/17, 662/19 of Kollemcode B Village, Killiyur Taluk, Kanyakumari District for laying a bus stand and to ensure these lands to be continued as an agricultural land and consequently direct the respondents 4 and 5 to take action based on the petitioner's representation, dated 24.03.2023.

For Petitioner : Mr.S.Sivakumar

For R1 to R5 : Mr.P.Thilakkumar  
Government Pleader



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For R6 : Mr.Issac Mohanlal  
Senior Advocate  
for Mr.A.Murali Kumar

For R7 : No Appearance

For R8 to R11 : Mr.K.P.Narayanakumar

**ORDER**

**[Order of the Court was made by D.BHARATHA CHAKRAVARTHY, J.]**

This Public Interest Litigation is brought by Thiru.Anto Morais consisting of two prayers. Firstly, complaining that the respondents including the Kollamcode Municipality and others are trying to convert the agricultural property bearing Resurvey Nos.661/6, 661/8, 661/9, 661/10, 661/11, 662/1 and 662/2, 662/17, 662/19 of Kollemcode B Village, Killiyur Taluk, Kanyakumari District, for forming a bus stand and that these lands are to be continued only as agricultural lands. The second limb of prayer of the petitioner is to consider his representation dated 24.03.2023 whereunder he complains that the lands now identified for locating the bus stand are worth only Rs.5,000/- per cent. However, the municipality and the authorities are proposing to buy the same at the rate of Rs.1,25,00,000/- per acre by way of private negotiations and thus it is a scam.



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2. We have heard *Mr.S.Sivakumar*, learned counsel appearing on behalf of the petitioner, *Mr.P.Thilakkumar*, learned Government Pleader appearing on behalf of the respondents 1 to 5, *Mr.Issac Mohanlal*, learned Senior Advocate appearing on behalf of the sixth respondent and *Mr.K.P.Narayana Kumar*, learned counsel appearing on behalf of the respondents 8 to 11.

3. At the out set, the first contention of the petitioner that the agricultural lands cannot be converted into bus stand do not have legs to stand as admittedly, the lands in R.S.Nos.661/6, 661/8, 661/9, 661/10, 661/11 and 662/1, 662/2, 662/17, 662/19 are punja lands and are not wet lands. The learned counsel for the petitioner relies upon Act 11 of 2020, namely, the Tamil Nadu Protected Agricultural Zone Development Act 2020, which does not apply to the land in question as the District and Taluk in question do not come within the protected agricultural zone, which is to be notified in the First Schedule of the said Act. Even the Tamil Nadu Change of Land Use (From Agriculture to Non-agricultural Purposes in Non-planning Areas) Rules, 2017 which is applicable in respect of forming layouts, classifies the lands into wet lands and dry lands and only in respect of wet lands, the prior approval of the Collector is essential and if



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the land is fit for cultivation, the Collector cannot grant concurrence. As far as the dry land is concerned, it is only the report of the Director of Agriculture, which is necessary whereunder, he has to only ensure that it does not block any access and that it is not under any high tension tower etc. Therefore, the prayer of the petitioner cannot be countenanced.

4. As far as the second limb of the prayer is concerned, *Mr.Issac Mohanlal*, the learned Senior Counsel for the sixth respondent submits that there is a dearth of land in the area and an eighteen member committee was formed by the municipality, who have identified the land in question. The rate has been arrived at by taking into account the guideline value which is Rs.99,500/- per cent. There is no answer by the learned counsel for the petitioner with regard to the guideline value. Therefore, this Court cannot proceed on the mere assertion on behalf of the petitioner that the lands in question would fetch only Rs.5,000/- per cent. The petitioner has not placed any material to the said effect.

5. Under the said circumstances, we are unable to countenance the prayer of the petitioner in respect of the second limb also. However, we observe that it is for the second and third respondents to ensure that only appropriate value is paid.



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6. With the above observations, finding no merits, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

**[S.S.S.R., J.] [D.B.C., J.]**

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

- 1.The Principal Secretary,  
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Secretariat, Chennai-600 009.
- 2.The Director of Municipal Administration  
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**S.S.SUNDAR, J.**  
**and**  
**D.BHARATHA CHAKRAVARTHY, J.**

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