



W.A.(MD) Nos.1842 to 1844 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.10.2023

CORAM

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**
AND
THE HONOURABLE **MR.JUSTICE V.LAKSHMINARAYANAN**

W.A.(MD) Nos.1842 to 1844 of 2023
and C.M.P.(MD) Nos.14054, 14055 and 14060 of 2023

Durairaj ... Appellant/Writ Petitioner in
W.A.(MD) No.1842 of 2022

Poochendu ... Appellant/Writ Petitioner in
W.A.(MD) No.1843 of 2022

Vasanthha ... Appellant/Writ Petitioner in
W.A.(MD) No.1844 of 2022

(Cause title in W.A.(MD) No.1844 of 2022
is accepted vide Court order dated
05.07.2023 made in C.M.P.(MD) No.7719/
2023 in W.A.(MD) SR No.34720 of 2023
by SVNJ & DBCJ)

-Vs.-

1.The Government of Tamil Nadu,
Rep. by it's Principal Secretary,
Department of Revenue,
Secretariat,
Chennai – 9.

2.The Government of Tamil Nadu,
Rep. by it's Commissioner,
Land Administration Department,



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2nd Floor, Ezhilagam, Chepauk,
Chennai – 05.

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3.The District Collector,
O/o. the District Collector,
Ramanathapuram,
Ramanathapuram District.

... Respondents/Respondents in
all the Writ Appeals

COMMON PRAYER:- Writ Appeals filed under Clause 15 of Letters
Patent Act, to set aside the common order dated 06.09.2022 made in W.P.
(MD)Nos.394, 408 and 403 of 2021 on the file of this Court.

For Appellant in all : Mr.G.Karthik
the Writ Appeals for M/s.Lajapathi Roy

For Respondents in : Mr.S.P.Maharajan
all the Writ Appeals Special Government Pleader

J U D G M E N T

(Judgment of the Court was delivered by **S.M.SUBRAMANIAM, J.**)

These Writ Appeals have been instituted against the common
order dated 06.09.2022, made in W.P.(MD)Nos.394, 408 and 403 of
2021.



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2. The facts in nut-shell as stated would reveal that on 10.04.1972, the Agriculture Department in order to implement the Coconut Development Scheme allotted lands in favour of as many as 85 beneficiaries in Kuthiraimozhi Group, Kadaladi Taluk, Ramanathapuram District. Each allottee was given 4.75 acres of land on condition that he or she must engage in coconut cultivation and that they should not grow any other crop. A formal order of assignment was not issued and what was issued was only a conditional order handing over of the lands.

3. A Writ Proceeding was instituted in W.P.(MD) No.8762 of 2015, seeking a direction to grant patta. Authorities thereafter, have initiated action to evict the occupants. Recording the said submissions on the Government side, the Writ Petition was dismissed. Eviction orders were eventually passed on 19.02.2015. Further Writ Petitions in W.P. (MD) Nos.2464 and 10785 of 2017 were filed by some other occupants. Interim stay was granted on 20.02.2020 and liberty was granted to the authorities to proceed on merits and in accordance with law. In terms of the liberty granted by this Court in the above Writ Petitions, the impugned orders came to be passed. Challenging the said order batch of Writ Petitions were filed before the learned Single Judge. Learned Single



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Judge considered the issues on merits and found that the petitioners therein were mere permissive occupants / licensees and not even holding patta. Even there is no lease executed by the Government. Therefore, the petitioners have not established any right to claim possession of the Government properties. Now, the Government has taken a policy to install desalination plant in Ramanad District at various places for catering the needs of the people of that locality. Desalination plants are proposed to be commissioned for the benefit of the public at large and considering the proposal muted out by the Government, the learned Single Judge held that the claim of the petitioners cannot be entertained.

4. Learned counsel for the appellants made a submission that in respect of other similarly placed occupants directions were issued to consider their representations.

5. We are of the opinion that such directions issued by the Constitutional Court to consider the representations would do no services to the cause of justice. Contrarily, the litigants would be back again by filing another Writ Petition which will lead to multiplicity of proceedings. Therefore, we are not subscribing such arguments as



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advanced, since the reasons given by the learned Single Judge in the order impugned are candid and convincing and more so the public interest was rightly considered by the learned Single Judge on the basis that the Government has proposed to commission desalination plants in that locality.

6. Learned counsel for the appellants further made a submission that yet another proposal to drop the project is also under consideration.

7. Courts cannot run the Government. Policy decisions are taken at the Government level. Proposals are mooted out or cancelled on the administrative reasons, which is a policy decision, and beyond the scope of the power of judicial review under Article 226 of the Constitution of India. Even otherwise, the appellants have no right of occupation permanently as they are permitted to occupy the land to grow coconut trees and in this context the learned Single Judge has granted compensation for the trees grown by the occupants. Thus, the learned Single Judge has taken a balanced view to protect the interest of the appellants, who have planted coconut trees in the Government lands and



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also considered the proposal of the Government to commission desalination plants.

8. In view of the facts and circumstances, we do not find any reason to interfere with the order passed by the learned Single Judge and accordingly, it stands confirmed. Consequently, the Writ Appeals are dismissed. No costs. Consequently, connected Civil Miscellaneous Petitions are closed.

[S.M.S.J.] & [V.L.N.J.]
19.10.2023

NCC :Yes/No
Index :Yes/No
SJ

To

- 1.The Principal Secretary,
Department of Revenue,
Government of Tamil Nadu,
Secretariat,
Chennai – 9.
- 2.The Commissioner,
Land Administration Department,
Government of Tamil Nadu,
2nd Floor, Ezhilagam, Chepauk,
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- 3.The District Collector,
O/o. the District Collector,
Ramanathapuram,
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AND
V. LAKSHMINARAYANAN, J.

SJ

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