



W.P.(MD)Nos.19938 and 19939 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)Nos.19938 and 19939 of 2014

and

M.P.(MD)Nos.2 and 2 of 2014

W.P.(MD)No.19938 of 2014

1. Sundara Pandian
2. Manoharan
3. Saroja
4. Pushpavalli
5. Shanthi
6. Pandiarajan
7. Kamatchi
8. Veluchamy
9. Kaliyappan
10. Mariappan
11. Kalyani
12. Meenakshi
13. Malar Jothi
14. Muthusamy
15. Karuppiyah

... Petitioners

versus

1. The Director of Land Reforms/
Executive Member
Tamil Nadu Bhoomidhan Board



W.P.(MD)Nos.19938 and 19939 of 2014

Land Reforms Department,
Ezhilagam, Chepauk,
Chennai – 600 005.

2. The District Collector,
Theni District.
3. The District Revenue Officer,
Theni District.
4. The Tahsildar,
Theni,
Theni District.
5. Girija Malliga
6. O.J.Murugesan
(R6 is impleaded by order dated 09.03.2023
in W.M.P.(MD)No.4810 of 2019)

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the 1st respondent in K1/529/2012 (Ni.Seer) dated 30.10.2014, quash the same and consequently, direct the respondents herein to grant free house site patta for 2 ½ cents each in the land measuring 50 cents in S.No.57/2A1, Veerapandi Village & Hamlet, Palanichettipatti, Theni Taluk, Theni District vide patta No.1446 as per the Boomidhan Scheme under the Tamil Nadu Bhoodan Yagna Act, 1958 under the Tamil Nadu Act



W.P.(MD)Nos.19938 and 19939 of 2014

No.XV of 1958.

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For Petitioners : Mr.K.Appadurai
For R1 to R4 : Mr.G.V.Vairam Santhosh,
Additional Govt. Pleader
For R5 : Mr.N.Dilip Kumar
For R6 : Mr.K.Samidurai
for Mr.M.Gnanagurunathan

W.P.(MD)No.19938 of 2014

1. P.Sivakumar
2. Kannammal

... Petitioners

versus

1. The Director of Land Reforms/
Executive Member
Tamil Nadu Bhoomidhan Board
Land Reforms Department,
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2. The District Collector,
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Theni District.



W.P.(MD)Nos.19938 and 19939 of 2014

5. Girija Malliga

6. O.J.Murugesan

(R6 is impleaded by order dated 09.03.2023
in W.M.P.(MD)No.4811 of 2019)

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the respondents herein to grant free house site patta for 2 ½ cents each in the land measuring 50 cents in S.No.57/2A1, Veerapandi Village & Hamlet, Palanchettipatti, Theni Taluk, Theni District vide Patta No. 1446 as per the Boomidhan Scheme under the Tamil Nadu Bohhdan Yagna Act, 1958 under the Tamil Nadu Act No.XV of 1958.

For Petitioners : Mr.K.Appadurai
For R1 to R4 : Mr.G.V.Vairam Santhosh,
Additional Govt. Pleader
For R5 : Mr.N.Dilip Kumar
For R6 : Mr.K.Samidurai
for Mr.M.Gnanagurunathan

COMMON ORDER

The petitioners, claiming to be the landless people, have approached the first respondent/the Director of Land



W.P.(MD)Nos.19938 and 19939 of 2014

Reforms/Executive Member of the Tamil Nadu Boodan Board and requested to grant free house site patta in the land in Survey No. 57/2A1, Veerapandi Village & Hamlet, Palanichettipatti, Theni Taluk, Theni District. According to the petitioners, the land in Survey No. 57/2A1 belonged to one S.R.P.Jeganathan and he gifted the said land to the Tamil Nadu Boodan Board in the year 1956 for distribution of free house site patta to the poor and landless people. Since the said land remains vacant, the petitioners made a representation to the first respondent. However, the first respondent, without considering their case, rejected the request of the petitioners, by order dated 30.10.2014. Aggrieved over the same, the petitioners have filed these writ petitions.

2. The learned counsel for the petitioners submits that the land measuring 50 cents comprised in S.No.57/2A1 of Veerapandi Village was gifted by one S.R.P.Jegannathan to the Tamil Nadu Boodan Board in the year 1956 for distribution of free house site patta to the poor and landless people. However, the said land has been assigned to the 6th



W.P.(MD)Nos.19938 and 19939 of 2014

respondent, O.J.Murugesan, who is none other than the brother-in-law of S.R.P.Jegannathan and he is not utilizing the land. Therefore, the third respondent/the District Revenue Officer, Theni, by his proceedings in Na.Ka.No.12421/2001/D4 dated 23.12.2014, has already made a recommendation, to the first respondent/the Director of Land Reforms, Chennai, for cancellation of assignment made in favour of the 6th respondent. Therefore, the said land has to be allotted to the poor and landless people.

3. The learned counsel appearing for the 6th respondent submits that the 6th respondent is in occupation of the land and the allegation made by the petitioners that the 6th respondent is not utilizing the land, is not correct. Though the third respondent has made a recommendation to the first respondent for cancellation of assignment in favour of the 6th respondent, no order has been passed to that effect and the 6th respondent is still holding the land. He further submits that the petitioners have already filed a writ petition in W.P.No.20822 of



W.P.(MD)Nos.19938 and 19939 of 2014

2000 before the Principal Seat and this Court, by order dated 28.03.2003. dismissed the writ petition by referring the assignment already made in favour of the 6th respondent. Even after that, with the very same relief, these writ petitions have been filed.

4. This Court considered the rival submissions and perused the materials placed on record.

5. The petitioners claim that they are landless people and therefore, they are entitled for allotment of free house site from the land in Survey No.57/2A1, situated at Veerapandi Village, Palanichettipatti, Theni. But, the said land has already been assigned to the 6th respondent for the purpose of agriculture. The 6th respondent is not utilizing the said land for agricultural purpose and therefore, the District Revenue Officer, Theni, has made a recommendation to the Director of Land Reforms, Chennai, for cancellation of assignment. However, no orders have been passed for cancellation of assignment.



W.P.(MD)Nos.19938 and 19939 of 2014

In the absence of any further proceedings as against the 6th respondent, the relief asked for by the petitioners cannot be granted. It is always open to the petitioners to work out their remedy depending upon the decision which has to be taken on the recommendation made by the District Revenue Officer dated 23.12.2014.

6. Accordingly, both the writ petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

10.04.2023

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



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W.P.(MD)Nos.19938 and 19939 of 2014

B.PUGALENDHI, J.

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W.P.(MD)Nos.19938 and 19939 of 2014

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