



W.P(MD)No.1171 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.07.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1171 of 2015

and

M.P.(MD)No.1 of 2015

and

W.M.P.(MD)No.14469 of 2023

P.Sivakumar

... Petitioner

Vs.

- 1.The Home Secretary,
Secretariat,
Saint George Fort,
Chennai - 9.
- 2.The Secretary to Government,
Adi-Dravida Welfare Department,
Saint George Fort, Chennai - 9.
- 3.The Director General of Police,
Chennai.
- 4.The Deputy Inspector of Police,
Madurai Range, Madurai.
- 5.The District Collector,
Madurai District, Madurai.



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6.The Superintendent of Police,
Madurai.

7.The District Revenue Officer,
Madurai Collectorate,
Madurai.

8.The Special Tahsildhar,
Adi-Dravida Welfare,
Usilampatti,
Madurai District.

9. Paulsamy

10. Kamatchi

11. Pasupathi

12. Chinnachamy

13. Vivekandhan

14. Agni

15. Kathar

16. Thangamalai

17. Perumal

18. Kamatchi

19. Ramakrishnan

20. Jeyaraj

21. Krishnan

22. Pathinettampadi

23. Kannan @ Sakkarai

24. Kamatchi

25. Murugan

26. Koolmayan

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27. Ayyer
28. Sekar
29. Karunakaran
30. Rasu
31. Karuppaiah
32. Kaththar
33. Chinnan
34. Ayyavu
35. Pandiyan
36. Chandran
37. Kamatchi
38. Murugan
39. Ramuthai
40. Palchamy
41. Karamani
42. Manikodi
43. Pandi
44. Pandian
45. Selvam
46. Vanarajan
47. Chellammal
48. Pandian
49. Natarajan
50. Lakshmanan
51. Selvam



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52. Jeyaraman
53. Deivam
54. Palchamy
55. Thangarasu
56. Petchi
57. Raman
58. Ayyer
59. Kamatchi
60. Subbu
61. Perumayee
62. Pitchai
63. Jeyaraj
64. Nallamodi
65. Periyakaruppan
66. Petchiammal
67. Perumal
68. Paulsamy
69. Mokkaian
70. Nagaraj
71. Mokkadurai
72. Pandi
73. Mookkan
74. Muniyandi
75. Rasu
76. Rajendran



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77. Chellapandi

78. Karuppaiah

79. Mokkappalani

80. Ayyanar

81. Petchi

82. Muniyandi

83. Periyapandi

84. Masanam

85. Ganesan

86. Paraman

87. Perumal

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent consider the petitioners representation dated 14.01.2015 and the 6th respondent to take action against his subordinate i.e. Deputy Superintendent of Police, Usilampatti and the Inspector of Police, Usilampatti Town Police Station for their irregularities.

For Petitioner : Mr.K.Surendran

For Respondents : Mr.S.RA.Ramachandran,
Addl. Government Pleader for R1 to R8.



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ORDER

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Heard the learned counsel for the writ petitioner and the learned Additional Government Pleader for the official respondents.

2.The petitioner's family owned 2.18 acres in S.No.135/4A in Kavandanpatti village, Usilampatti Taluk. The said land was acquired for disbursing the same among landless poor. It appears that the land acquisition proceedings had attained finality and the petitioner's family was not successful in assailing the same. Be that as it may, assignment orders were passed in favour of 79 persons and they were allowed to take possession. The grievance of the petitioner is that the assignees were not eligible to get assignment but brushing aside the petitioner's objections, the jurisdictional Deputy Superintendent of Police gave protection to them to enter upon the lands and also put up constructions. Hence, this writ petition has been filed for initiating action against the police personnel.



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3.I am not persuaded by the said submission. As rightly pointed out by the learned Additional Government Pleader, the job of the police is to give protection to the assignees to enter upon the land. The police are not competent to go into the issue of validity of assignment. So long as the 79 persons had assignment orders in their favour, the police were justified in granting them protection. I, therefore, decline to issue any direction as sought for in this writ petition.

4.At the same time, the other contention advanced by the learned counsel for the petitioner merits acceptance. The petitioner had earlier filed W.P.(MD)No.14853 of 2014 for directing the authorities to act on his representation. The petitioner had complained that ineligible persons had been granted assignment. This Court vide order dated 15.12.2014 passed the following direction:-

“4.In view of the fact that the petitioner had sent a detailed representation on 27.03.2013 and also send remainders on 03.08.2013, 10.09.2013 and 21.09.2013 and ultimately submitted a representation on 26.08.2014



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to the Respondents 2 and 3 and the said representation / remainders till date have not met with the positive result. This Court, at this stage, in the interest of justice and equity besides Fair play, directs the second and third Respondents to look into the final representation dated 23.08.2014 together with the representation dated 23.03.2013 and other remainders issued by him on 03.08.2013, 10.09.2013 and 21.09.2013 in a pragmatic and positive manner and to pass a reasoned, speaking order on merits with the dispassionate manner within a period of four weeks from the date of receipt of a copy of this order; (ofcourse, after providing due opportunities to the petitioner and others concerned, if any by adhering to the principles of natural justice).”

5.It appears that without associating the petitioner or even the beneficiaries, an illegal order was passed cancelling the assignment made in favour of 29 persons. One of them filed W.P.(MD)No.15987 of 2015 and this Court vide order dated 14.02.2023 setting aside the cancellation on the ground of violation of principles of natural justice. I wanted to know if further order has been passed. The learned Additional Government Pleader states that the matter is still pending. The eighth respondent herein shall hold enquiry in the matter. Enquiry shall be



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conducted on 16.08.2023. On the said date, the petitioner will be allowed to be present. Intimation shall be sent to all the 29 beneficiaries whose assignments were cancelled. The eighth respondent shall adhere to due process of law and test the eligibility of the said 29 persons. The petitioner also will be permitted to place materials before the eighth respondent. After hearing all the parties and after considering the materials on record, the eighth respondent shall pass order within a period of twelve weeks thereafter.

6.The learned counsel for the petitioner would strongly contend that the remaining 50 persons are also not eligible to get assignment. But the Director of Adi Dravidar Welfare, Chepauk, Chennai had come to the conclusion that the remaining 50 persons are eligible to get assignment. Proceedings to this effect were issued on 13.07.2017. If the petitioner is aggrieved, the petitioner can very well question the same independently or take the matter before the Government. Liberty is granted to the petitioner in this regard.



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7.This writ petition is disposed of accordingly. No costs.

Consequently, connected miscellaneous petitions are closed.

26.07.2023

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