



W.P(MD)No.3442 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.08.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3442 of 2015

and

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

Ramu

... Petitioner

Vs.

**1.The District Collector,
Sivagangai District,
Sivagangai.**

**2.The Block Development Officer,
Thiruppuvanam,
Sivagangai District.**

3.Dhanalakshmi

**4.The Village Administrative Officer,
Thiruppasethi (North),
Sivagangai District.**

5.Subramani

6.Senthil

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order of Na.Ka.No. B6/303/13 dated 26.04.2013 passed by the

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second respondent in favour of the fifth respondent and quash the same and consequently direct the first respondent to take legal action against the respondents 2 to 6.

For Petitioner : Mr.R.Murugappan

For Respondents : Mr.S.RA.Ramachandran

Additional Government Pleader for R1 & R4

: Mr.T.S.Mohammed Mohideen for R2 & R3

: Mr.T.J.Ebenezer Charles for R5 & R6

ORDER

Heard both sides.

2. The petitioner challenges the allotment letter issued by the local body in favour of the 5th respondent for putting up the Green House Scheme.

3. The case of the petitioner is that the land in question belongs to the 5th respondent. Patta is also in his name. The fifth respondent is a Government servant. Therefore, such a person could not have been given the benefit under the scheme in question.

4. The learned Additional Government Pleader appearing for the official respondents and the learned counsel for the then President



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of the local body submit that no doubt, the land originally belonged to the 5th respondent and that the 5th respondent happens to be a Government servant. But the 5th respondent had settled the property in favour of the 6th respondent who is his son-in-law. Since the 6th respondent independently applied under the Green House Scheme, the objections putforth by the petitioner do not hold water. If the 5th respondent had applied and he had been granted, then, obviously it would have been illegal. But that is not the case. It is the 6th respondent who has been given the benefit. The 5th respondent has also divested himself of title over the land. In these circumstances, no case for interference has been made out.

5. The Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

07.08.2023

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



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G.R.SWAMINATHAN, J.

rmi

To

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Sivagangai District,
Sivagangai.
- 2.The Village Administrative Officer,
Thiruppasethi (North),
Sivagangai District.

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