



W.P.No.2066 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders Reserved on : 01.03.2024

Orders Pronounced on : 19.06.2024

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.2066 of 2024
and
W.M.P.No.2216 of 2024
--

The Central Armed Police Force (CAPF)
Housing Co-op. Society, Represented
by its Vice-President,
having office at Group Centre,
CRPF Campus,
Avadi, Chennai-600 065.

.. Petitioner

Vs.

1. The Government of Tamil Nadu,
Represented by the Secretary to Government,
Revenue Department,
Secretariat, Fort St.George,
Chennai-600 009.

2. The Commissioner of Land Administration,
Ezhilagam,
Chepauk, Chennai-600 005.

3. The Collector,
Kancheepuram District,
Kancheepuram.

4. The District Collector,
Chengalpattu District, Chengalpattu.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying
for issuance of a Writ of Mandamus to direct the respondents to transfer the



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land of an extent of 20.25.0 hectares, out of 71.27.5 hectares land in Survey No.401/1 at Anjur Village--Meikkal Classification, Chengalpattu District, at the rate of concessional cost to the petitioner CAPF Housing Society, as already earmarked/proposed by the third respondent by his letter No.16304/2015/AA1, dated 13.10.2017 and as ordered by this Court in Writ Petition No.7637 of 2017, dated 29.08.2019.

For petitioner : M/s.R.Meenakshi

For respondents: Mr.T.Arun Kumar, Addl.G.P.

ORDER

The petitioner-Society has filed the present Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents to transfer the land of an extent of 20.25.0 hectares, out of 71.27.5 hectares land in Survey No.401/1 at Anjur Village--Meikkal Classification, Chengalpattu District, at the rate of concessional cost to the petitioner CAPF Housing Society, as already earmarked/proposed by the third respondent by his letter No.16304/2015/AA1, dated 13.10.2017 and as ordered by this Court in Writ Petition No.7637 of 2017, dated 29.08.2019.

2. The case of the petitioner-Society in a nut-shell (as stated in the affidavit filed in support of the Writ Petition), is as follows:

(a) During the year 2014, a meeting of the apex body of WARB (Welfare



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and Rehabilitation Board), which is meant for Central Police Forces Personnel, was held at the Directorate General, CISF, GCO Complex, New Delhi, on 17.01.2014, in which, in Agenda No.8, it was decided to prepare the rules and regulations for forming of Housing Co-operative Society by the WARB. In response to the above Resolution, the CRPF Headquarters sent a message to all Zones/Sectors/Range Hqr/Group Centres establishments of CRPF, along with the view of WARB to take further course of action, vide message No.W.V.24/2014-WEL.CWO-II, dated 01.12.2014.

(b) The main reason for constituting the society by the WARB in the Chairmanship of Joint Secretary, Ministry of Home, is to procure the dwelling unit for the CAPF (Central Armed Police Force) personnel, who are generally posted in the far-flung areas and who does not have any knowledge of property related issues, security of investment, constant visit, as they used to come on leave once a year and persuasion with the builder, Gimmicks/hidden cost/disputed title/bad reputation, unaffordable rates, no proper financial/investment guidance, lack of knowledge in project and tricky terms, no channel of builder and often betrayed by the brokers, which lead them to depression and committing suicide. In the recent past, there are hundreds of Jawans of CAPF had committed suicide/fratricide due to pressure over duties and worry about settlement of family life.

(c) Considering all the above facts, the Apex body of WARB, decided to

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over-come the issue and suggested the establishment of CAPF housing co-operative society, as a welfare measure, to provide affordable dwelling units to CAPF personnel at the place of their choice across the country. They had issued guidelines for the need of forming CAPF Housing Co-operative Society and in pursuance of the above guidelines, most of the sectors of CRPF, throughout India, formed the Co-operative Societies, viz., at Bangalore in Karnataka, Sonipat in Haryana and Jaipur in Rajasthan, which are functioning effectively.

(d) Due to the above development, a monthly welfare Committee meeting was held on 25.04.2014 at Group Centre, CRPF, Avadi (Chennai) under the Presidentship of the DIGP. In this meeting, a point was raised to form a housing society in GC CRPF, Avadi, so that the needy personnel, could avail housing facility in and around Chennai. Accordingly, the Committee approved to form a separate housing society, after observing due formalities and the then DIGP, GC, CRPF, unanimously selected as President of the Housing Society, vide Order dated 28.04.2014 passed in No.M.V-1/2014-GC-Bldg-housing. Thereafter, the then DIGP, CRPF, GC, CRPF, Avadi, approached the Government of Tamil Nadu and the Collector of Kanchipuram District, who also suggested in verbal to form a Society for getting a land from the Government and accordingly, the CAPF Housing Co-operative Society, Avadi (petitioner-Society) was formed with the approval of the Government of Tamil Nadu, and it was also Registered, vide G.O.No.70, dated 28.04.2015, under the Tamil Nadu Co-operative Housing

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Federation Scheme, vide No.8181/2014-14/G Section, dated 28.04.2015. The Accounts of the Society are to be audited under the Registrar of Societies, Ambattur and Chengalpattu. The development of the Housing Co-operative Society, was informed to the CRPF Directorate under the intimation to all formation by message, dated 04.06.2015. Accordingly, the then DIGP, GC, CRPF approached the Collector of Kancheepuram District, for acquisition and selected some of the lands at Kanchipuram District and more than 600 members joined the Housing Co-operative Society by remitting Registration fee-charge of Rs.110/- and initial payment of Rs.10,000/-.

(e) Considering the request of the Housing Society, the Government decided to allot a land of an extent of 20.25.0 hectares out of the area of 71.27.5 hectares in Survey No.401/1 at Anjur Village (Meittal Waste land), Singaperumal Koil, Chengalpattu District, on payment, after ensuring various formalities and in consultation with the appropriate authorities. The District Collector, Kancheepuram (now Chengalpattu District), issued a letter for consent over allotment of land in Survey No.401/1 in Anjur Village to CAPF and as an initial payment, the CRPF Housing Society was asked to deposit Rs.3,03,750/- for the land development fee and the Society had also paid the amount on 27.10.2016. Thereafter, the District Collector, Kanchipuram (third respondent herein) sent a proposal to the Secretary to Government of Tamil Nadu, Revenue Department, Secretariat, and the Principal Secretary and the second respondent-

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Commissioner of Land Administration, Chepauk, Chennai, and the said proposal contains the following details:

- (i) Details of land
- (ii) Public Advertisement
- (iii) Panchayat Resolution about No Objection from the local public to allot the land to CAPF Housing Society
- (iv) Sub-Division Document
- (v) Details of alternative land
- (vi) Department of Annual Husbandry approval
- (vii) Land Value (Sale Statistics & Guideline value) and
- (viii) Field Audit Note.

(f) Before sending the above proposal, a public advertisement was given and the Panchayat had passed in Resolution No.2, dated 11.11.2016, to transfer the above-said land to CAPF Housing Society and the cost of the land(s) was also fixed, based on the guideline value at Rs.40,01,60,000/- for an extent of 20.25.0 hectares. The above-said proposal was sent after obtaining the details of the land(s) from the concerned Village Administrative Officers (VAO), Tahsildar, and the Revenue Divisional Officer (RDO). In response to the above proposal, the then Additional Chief Secretary and Commissioner of Land Administration, Chepauk, Chennai, vide letter dated 02.11.2017, in No.B1/2652/2017, requested



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the District Collector, Kancheepuram to send some records and particulars for further process.

(g) As the petitioner-Society was in fast development, at the time of acquisition of land, 5 CRPF personnel (according to the petitioner, they are miscreants) against whom disciplinary action was initiated/medically invalidated from service, dismissed and voluntarily retired, filed a Writ Petition in W.P.No.7637 of 2017, which was filed only to tarnish the image of the then DIGP, GC, CRPF, Avadi, and order of stay was obtained against the above-said persons, with some false allegations, and due to the above scenario, the development of the petitioner-Society got held up from the year 2017 and that those personnel made attempt to make false allegations against the then DIGP, resulting in the functioning of the petitioner-Housing Society holding up at the hatching stage, due to which, 638 members suffered. The facts were explained to the third respondent, who filed counter affidavit in W.P.No.7637 of 2017 stating that the land will be allocated to the Society soon after settlement of the case. Though their Writ Petition was dismissed by this Court on 29.08.2019 (W.P.No.7637 of 2017) directing the respondents 1 to 3 therein (State) to take further action for assignment of the land to the sixth respondent/Society (petitioner herein) in accordance with law. After the above order was passed by this Court in W.P.No.7637 of 2017, the issue in question got revamped and the District Collector, Chengalpattu, questioned about the petitioner-Society as to

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whether the Society was approved by the Government, or otherwise.

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(h) The then DIG being the President of the petitioner-Housing Society personally took efforts and made liaison with the authorities of the Tamil Nadu Government for searching of land and allotment of CRPF Housing Society. Since the Housing Society was in the nascent stage, he acted as President of the Housing Society till a separate body of members is formed for full-fledged function. By then, the then DIGP was transferred to Delhi. It was a question as to whether the serving personnel directly or indirectly got associated in managing any private Society as the Housing Co-operative Society, which is a private formation. Hence, the then DIGP resigned the post of the President on 05.05.2017. Thereafter, Election was conducted by the District Election Officer by conducting a meeting and selected a new body, but however, it cannot be said to be the Housing Society, which is purely a private Society, as all the members were serving and retired from CAPF. It is the grievance of the petitioner-Society that the said W.P.No.7637 of 2017 was filed due to pending disciplinary proceedings against them.

(i) The fourth respondent/District Collector, Chengalpattu (it has been formed as new District after bifurcation of Kanchipuram District) sent a letter dated 25.02.2020 in No.16304/2015/A2, to the President of CAPF petitioner-Housing Society, Avadi, Chennai, stating that the action on the issue in question will be continued on submission of letter from their higher office, as the said

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Society belongs to the Central Government. Pursuant to the said letter, No Objection Certificate (NOC) was obtained from the Director General, Central Reserve Police Force, New Delhi and provided the said NOC to the Collector, Chengalpattu, subsequent to which, no response was received from the Collector, Chengalpattu. Thereafter, there was correspondences between the petitioner-Society and various authorities on various dates, the details of which are as below:

(i) The CAPF Housing Society sent a letter, dated 22.01.2021 to the District Collector, Chengalpattu, requesting to transfer the proposed land as soon as possible.

(ii) The DIGP, GC, CRPF, Avadi, Chennai, sent letter dated 07.03.2021 to the District Collector, Chengalpattu, requesting to allot the proposed land(s) as soon as possible, vide Letter No.W.V.01/2022-GC.Bldg.

(iii) Since there was no response from the Collector and the Secretary to the Government of Tamil Nadu, the Chief Minister of Tamil Nadu was requested to give appointment for apprising the grievances for redressal, by the then DIG, vide D.O.Letter No.II/2021.GC.Avd.Bldg., dated 18.12.2021, but the petitioner-Society was waiting for reply till date.

(iv) The DIGP, GC, CRPF, Avadi, Chennai, directly met the District Collector, Chengalpattu, in person and again requested him to take immediate action to hand-over the allotted land with approval and also gave a D.O. Letter

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in No.W.V.1/2023-GC.Bldg, dated 20.06.2022.

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(v) The DIGP, GC, CRPF, Avadi, Chennai, again sent a letter dated 07.03.2022 in No.W.V.01/2022-GC.Bldg., to the District Collector, Chengalpattu, requesting to allot the proposed land as early as possible.

(vi) The DIGP, GC, CRPF, Avadi, Chennai, again sent a letter dated 07.07.2022 in No.W.V.01/2022-GC.Bldg., to the Minister for Revenue and Disaster Management for transfer of the proposal to the CAPF Housing Society, Avadi.

(vii) The DIGP, GC, CRPF, Avadi, Chennai, again sent a letter dated 23.12.2022 in No.M.V-1/2022-GC, Avadi.Bldg., to the Minister for Revenue and Disaster Management, to transfer the proposal to the CAPF Housing Society, Avadi.

(viii) DIGP, Range H.Qr., CRPF, Avadi, Chennai, also sent a letter in January 2023 in No.M.V.1/20023-GC.Avadi.Bldg., to the Minister for Revenue and Disaster Management, for transfer of the proposal to the CAPF Housing Society, Avadi.

(ix) DIGP, CRPF, Avadi and DIGP, Range CRPF, Avadi, the Assistant Commandant and Inspector and other CRPF officials, met the Commissioner of Land Administration, the Revenue Secretary and the Revenue Minister, several times, but even then, there was no proper response from them.

(x) The Member of the Parliament also wrote a D.O. Letter to the

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Collector, Chengalpattu for allocation of earmarked land to the Society.

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(j) Further, it is the averment of the petitioner that in response to the DIGP Letter No.M.V-1/2022, GC.Avadi.Bldg., dated 23.12.2022, the Joint Secretary, Revenue and Disaster Management Department, Secretariat, Chennai, vide letter dated 06.02.2023 in No.3958724/N.Mu.7(2)/2023-1, asked the Commissioner of Land Administration, Chepauk, Chennai, to examine the request of the DIPG, GC, CRPF, Avadi and submit the proposal. Thereafter, there was no response from the respondents.

(k) As there was no response from the officials, in respect of the prayer of the writ petitioner-Society, they have filed the present Writ Petition for the relief stated supra.

3. The fourth respondent filed counter affidavit on his behalf and also on behalf of the respondents 1 and 2, stating as follows:

(i) The Deputy Director General of Police, Group Centre, CRPF, Avadi, Chennai-600 065, had applied for alienation of an extent of 20.25.0 hectares comprised in S.No.401/1, classified as "Meikkal Poramboke" in Anjur Village, Chengalpattu Taluk, Chengalpattu District (earlier known as Kancheepuram District) to cater the needs of the petitioner-Co-operative Society and in this regard, earlier, the composite District Collector, Kancheepuram had forwarded

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an exchange of land proposal in Na.Ka.No.16304/2015/B1, dated 13.10.2017, proposing an exchange of land proposal, involving the following lands proposed for exchange in S.No.401/1, measuring an extent of 20.25.0 hectares of classified as "Meikkal Poramboke" in Anjur Village, Chengalpattu Taluk, Chengalpattu District, in lieu of "Meikkal Poramboke" proposed to be exchanged S.No.99/1, measuring an extent of 20.25.0 hectares in Kilpauk Village, Vandalur Taluk.

(ii) The proposal was scrutinised by the second respondent-Commissioner of Land Administration, vide letter dated 02.11.2017 pointing out certain discrepancies and additional particulars were also called for and various letters/communications were also sent in this regard.

(iii) As per the Animal Husbandry and Fisheries Department, the Government of Tamil Nadu issued Government Order in G.O.(Perm).No.186, dated 11.12.2001, Meikkal and Mandhaiveli poramboke cannot be converted without obtaining NOC from the Animal Husbandry Department and offering an equal extent of suitable alternative land which would be classified as Meikkal/Mandhiveli Poramboke so that the total extent of Meikkal/Mandhaiveli Poramboke lands would not be affected. The proposals of alternative land are issued by the Animal Husbandry Department only after obtaining specific recommendation from Commissioner of Animal Husbandry, who will recommend only after careful examination of the proposal and documents furnished by the

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concerned District Collector and ensuring that the land proposed to be given as alternative land, is suitable for re-classification as Meikkal/Mandhaiveli Poramboke.

(iv) The Animal Husbandry Department does not issue any NOC for alienating / exchange of land proposals in respect of private companies. The proposals for NOC (for alternative land), based on the requests received from the Government Departments/Boards, such as Highways, Railways, TANGEDCO and other public purpose projects, to whom such lands are essentially required for development of infrastructural projects only are taken up for consideration. Even such proposals are finalised only after passing through a number of mandatory procedures/conditions laid down in G.O.(Ms).No.186, Animal Husbandry and Fisheries Department, Government of Tamil Nadu, dated 11.12.2001 and in G.O.(Ms).No.75, Animal Husbandry and Fisheries Department, Government of Tamil Nadu, dated 25.05.2007, which are as below:

(a) The District Collector of concerned District will identify equal extent of alternative land which is suitable to be classified as Meikkal / Mandhaveli Poramboke.

(b) The Regional Joint Director of Animal Husbandry and the District Revenue Officer should inspect the identified land and certify that the said land is suitable for grazing.

(c) The local body should pass a resolution to the effect that there is no



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objection for grazing of cattle, free of cost in the alternative land identified.

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(d) Then the District Collector will send a detailed proposal soliciting orders of NOC to the Commissioner of Animal Husbandry along with all necessary documents.

(e) The Commissioner of Animal Husbandry, after scrutiny, will forward the same with his specific recommendation to the Government in Animal Husbandry Department.

(f) The Government in Animal Husbandry and Fisheries Department, after careful examination, will issue NOC with a condition that the requesting Department should pay Rs.15,000/- per hectare as development charges to the concerned local body and the local body should spend the amount for development of alternative land as Meikkal/Mandhaiveli land.

(v) As per G.O.(Ms).No.186, Animal Husbandry and Fisheries Department, Government of Tamil Nadu, dated 11.12.2001, it is clear that the Meikkal exchange proposals of the Government Departments are only allowed and as per the said G.O., there is no feasibility to facilitate the exchange proposals of the writ petitioner/Co-operative Society, being a Society formed by an individual and not recognised by the CAPF, vide its letter bearing No.W.V.1/2022-GC-BLDG, dated 20.06.2022. This Court, in W.P.No.19286 of 2021, by order dated 02.02.2022, had forborne the State Government from converting the

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Meikkal/Mandhaiveli lands and if the said lands are required for other purposes, this Court directed to seek permission from this Court to proceed with the same.

(vi) On considering the above facts and circumstances, the fourth respondent herein had sent a letter bearing No.Na.Ka.No.16307/2015/A5, dated 10.11.2022, requesting the first respondent to drop the subject exchange of land proposal.

(vii) The petitioner-Society is not entitled for transfer of the lands in an extent of 20.25.0 hectares, comprised in Survey No.401/1 of Anjur Village, since this Court clearly prohibited the conversion of Meikkal Poramboke lands for other purposes, as per the order dated 02.02.2022 made in W.P.No.19286 of 2021. The Government did not make any provision for conversion of Meikkal Poramboke lands for others, excepting the Government Departments, as per G.O.(Rt).No.186, Animal Husbandry and Fisheries Development Department, dated 11.12.2001 and above all, this Court, by order dated 29.08.2019 made in W.P.No.7637 of 2017, directed to take further action for assignment of the land to the petitioner/Society only in accordance with law, and since there is no provision under the law for such assignment, the petitioner-Society is not entitled for any relief.

(viii) The proposals for the assignment of 20.25.0 hectares of Meikkal Poramboke land, comprised in Survey No.401/1 was initiated by the third respondent only due to the claim of the petitioner-Society that it is an official

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organisation functioning under the control of the Deputy Inspector General of Police, Group Centre, Central Reserve Police Force, Avadi, Chennai. However, the Deputy Inspector General of Police, Group Centre, Central Reserve Police Force, Avadi, Chennai-65, through letter No.J.11.25/2017-Pairvi Cell, dated 27.11.2017, had clearly clarified that the petitioner-Society formed by the then Deputy Inspector General of Police, in his private capacity, is purely a private Society and without sanction from the CRPF. Moreover, no provision is available for conversion of Meikkal Poramboke land in favour of others, excepting the Government Department, as per G.O.(Rt.).No.186, Animal Husbandry and Fisheries Development Department, dated 11.12.2001 and this Court, by order dated 02.02.2022 in W.P.No.19286 of 2021, prohibited the conversion of Meikkal Poramboke lands for other proposals.

(ix) This Court, by order dated 29.08.2019, dismissed W.P.No.7637 of 2017 on 29.08.2019, by directing the respondents therein to take further action for assignment of the land of the Society in accordance with law only and since the non-availability of provision under G.O.(Rt.).No.186, Animal Husbandry and Fisheries Department, dated 11.12.2001, for conversion of Meikkal Poramboke in favour of others, excepting the Government Department, coupled with the ban ordered by this Court in the order dated 02.02.2022 in W.P.No.19286 of 2021, the request of the petitioner-Society cannot be considered. Further, in the counter affidavit filed by him, the third respondent did not state that the land

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will be allocated to the Society soon after settlement of the case, and hence, it is denied as false.

(x) Further, the petitioner-Society did not produce any NOC obtained from the Director General, Central Reserve Police Force (CRPF), New Delhi, in response to the letter dated 25.02.2020, viewed by the respondent(s). In response to the aforesaid letter, the Deputy Inspector General of Police, Chennai Range, Central Reserve Police Force, Avadi, Chennai, alone had given a letter dated 20.06.2022, stating that the CAPF Housing Co-operative Society is functioning with proper permission of the State Government of Tamil Nadu in accordance with Gazette Order No.70, dated 26.04.2015 and all the members are from the Central Armed Reserve Police Force only and all hence factorm bother belief and are of enough proof to show that CAPF Co-operative Housing Society is allied with CAPF. However, the aforesaid letter did not support the claim of the petitioner-Society that it is functioning under the control of the CRPF in the absence of NOC sought from the Director General of CRPF, New Delhi and it has become clear evidence that the petitioner-Society had simply evaded the wine of NOC from the Director General, CRPF, New Delhi.

(xi) Further, various correspondences referred to by the petitioner-Society, are meant only for reiteration of the claim of the Society for allotment of the subject land(s) and that NOC sought for by the fourth respondent from the CRPF higher authorities, was not at all furnished. In view of the fact that the

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petitioner-Society is not under the control of the Central Armed Police Force (CAPF) and it is only a non-Governmental Society started by a private individual that since there is a ban on conversion of Meikkal Poramboke land as per the direction of this Court and that the District is already facing scarcity of Government Department, the fourth respondent had sent a report to the second respondent, vide Lr.No.16304/2015/B5, dated 11.11.2022 to drop the proposal for allotment of the said land(s) to the petitioner-Society.

(xii) The instructions issued by the Ministry of Home Affairs, Government of India, vide Lr.No.W.V.-1/82-Adm.11(SEL)-FP IV, dated 30.06.1983 and the instructions issued by the Ministry of Home Affairs, New Delhi, in Memorandum No.27011/100/2012-R & W, dated 23.11.2013, are purely general in nature and they are not legally binding the authorities to allot the Governmental Poramboke land to whoever approach the Government authorities under the pretext of a Society functioning under the control of the Central Reserve Police Force (CRPF)/Central Armed Reserve Police Force (CARPF). Even how the petitioner is claiming that the said Society was formed as per the instructions of the higher authorities and the question raised with the petitioner-Society was as to whether the Society is officially affiliated with the CRPF and if so, to obtain and produce NOC from them and however, the petitioner-Society failed to produce the same for the reasons best known to them and the Society has also went on to the extent of dragging the third respondent in the letter, by stating that the said

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Society was formed as per his instructions also, which is nothing but false.

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(xiii) Further, this Court, in the order dated 29.08.2019 in W.P.No.7637 of 2017, had directed the respondents 1 to 3 therein to take further action for assignment of the land(s) to the petitioner-Society in accordance with law only and since the provision under the law and the order of this Court, dated 02.02.2022 in W.P.No.19286 of 2021 did not permit the conversion of Meikkal Poramboke land, the request of the petitioner-Society which is purely a private organisation, cannot be considered.

(xiv) The petitioner-Society is only a non-Governmental organisation, functioning under the name and style "The Central Armed Police Force Housing Co-operative Society" and if at all the petitioner-Society is keen on providing housing plots to its members, it has to make its own arrangements to procure the lands else-where. Since it is a non-Governmental organisation, it is not legally binding on the respondents to allot the Government land(s) in Survey No.401/1 of Anjur Village, Chengalpattu Taluk by converting its classification from Meikkal Poramboke. The provisions under the order of the Government in G.O.(Rt).No.186, Animal Husbandry and Fisheries Department, dated 11.12.2001, did not permit the conversion of Meikkal Poramboke land(s) to the other, excepting the Government Departments and this Court also, in the order dated 02.02.2022 in W.P.No.19286 of 2021, had prohibited the conversion of Meikkal Poramboke land(s) for other purposes. Hence, the petitioner-Society has

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no locus-standi to seek any relief in this Writ Petition, which is liable to be dismissed as devoid of merits.

4. Learned counsel for the petitioner submitted that the petitioner-Society was formed with the approval of the Government of Tamil Nadu and it was also registered by G.O.(Ms).No.70, Housing and Urban Development Department, dated 28.04.2015, under the Co-operative Housing Federation Scheme, vide No.8181/2014/14/G Section, dated 28.04.2015. The Accounts of the petitioner-Society are to be audited under the Registrar of Societies, Ambattur and Chengalpattu. The development of the Housing Co-operative Society was informed to the CRPF Director under the intimation to all formation by message, dated 04.06.2015. The DIGP, GC and CRPF approached the District Collector of Kancheepuram District, for acquisition and selected some of the lands in Kancheepuram District and more than 600 members joined the Housing Co-operative Society by remitting registration fee charge of Rs.110 and initial payment of Rs.10,000/-. Further, it is submitted by the learned counsel for the petitioner that, considering the request of the Housing Society, the Government has decided to allot a land of an extent of 20.25.0 hectares out of the area of 71.27.5 hectares in Survey No.401/1 at Anjur Village (meikkal waste land), Singaperumal Koil, Chengalpattu District, on payment, after ensuring various formalities and in consultation with the appropriate authorities. The District

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Collector, Kancheepuram (now Chengalpattu District) issued a letter for consent over allotment of land in Survey No.401/1 in Anjur Village to CAPF and as an initial payment, the CRPF Housing Society was asked to deposit a sum of Rs.3,03,750/- for the land development fee and the Society had also paid the amount on 27.10.2016. Thereafter, the District Collector, Kancheepuram (third respondent herein) sent a proposal to the Secretary to Government of Tamil Nadu, Revenue Department, Secretariat and the Principal Secretary and the second respondent-Commissioner of Land Administration, Chepauk, Chennai, and before sending the above proposal, a public advertisement was given and the Panchayat has passed a Resolution in Resolution No.2, dated 11.11.2016 to transfer the land in question to CAPF Housing Society. The cost of the land was also fixed, based on the guideline value at Rs.40,01,60,000/- for an extent of 20.25.0 hectares. The above-said proposal was sent after obtaining details of the land(s) from the concerned Village Administrative Officer, Tahsildar and the Revenue Divisional Officer. In response to the above proposal, the Additonal Chief Secretary and the Commissioner of Land Administration, Chepauk, Chennai, vide letter dated 02.11.2017, requested the District Collector, Kancheepuram, to send some records and particulars for further process. In the meanwhile, a Writ Petition was filed before this Court in W.P.No.7637 of 2017 by some of the persons working in Central Reserve Police Force, Group Centre, Avadi, Chennai, to tarnish the image of the then DIGP, GC, CRPF, Avadi, Chennai

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and since there was disciplinary proceedings against them. Initially, an order of stay was obtained from this Court against the respondents therein in the said Writ Petition, and due to the development of the petitioner-Society got held-up from the year 2017 and that those personnel made an attempt to make false allegations against the then DIGP, resulting in the functioning of the petitioner-Society holding up at the hatching stage, due to which, 638 members suffered. The above-said Writ Petition in W.P.No.7637 of 2017 was dismissed on 29.08.2019. Thereafter, the then DIGP was transferred to Delhi and the then DIGP resigned the post of the President of the petitioner-Society on 05.05.2017 and thereafter, Election was conducted by the District Election Officer by conducting a meeting and selected new body, but however, it cannot be said that the Housing Society is purely a private Society, as all the members are serving and retired from CAPF.

5. It is the further submission of the learned counsel for the petitioner that the fourth respondent herein formed a new District after bifurcation of the Kancheepuram District and he sent a letter dated 25.02.2020 to the President of the CAPF petitioner-housing Society, CRPF, Avadi, Chennai, stating that the action on the issue will be continued on submission of letter from their higher office, as the Society belongs to the Central Government. Pursuant to the said letter, a No Objection Certificate (NOC) was obtained from the Director General, Central Reserve Police Force (CRPF), New Delhi, and provided the said NOC to

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the Collector of Chengalpattu, subsequent to which, no response was received from the Collector, Chengalpattu. Thereafter, there were correspondences between the petitioner-Society and the respondents on various dates.

6. Learned counsel for the petitioner further submitted that in response to the DIGP letter dated 23.12.2022, the Joint Secretary to the Government, Revenue and Disaster Management Department, Secretariat, Chennai, vide letter dated 06.02.2023 asked the Land Administration Commissioner, Chennai, to examine the request of the DIGP, GC, CRPF, Avadi, Chennai and submit the proposal. Since there was no response from the respondents, the petitioner has filed the present Writ Petition.

7. Learned Additional Government Pleader appearing for the respondents, while filing written arguments in respect of the fourth respondent-District Collector, Chengalpattu, contended that it is admitted that as per the Revenue Records 71 acres 27.5 cents, in Survey No.401/1, Anjur Village, Chengalpattu District, Meikkal Poramboke, the request made by the petitioners, was initially considered by the District Collector, by Letter No.16304/2015/A-1, dated 13.10.2017, since, classification being an objectionable Poramboke, the Government has to make an alienation and therefore, through proper channel, it was forwarded to the Commissioner of Land Administration, vide letter No.B1/2652/2017, dated 02.11.2017, returned the said proposal, as it does not contain the recommendations/remarks/NOC from the Animal Husbandry

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Department, since the Animal Husbandry Department is the custodian of Meikkal Poramboke. The competent authority of CRPF, Avadi, Chennai, vide letter No.W2/20/06/2022, informed that the petitioner-Society is only a private Society and with the private objectives and therefore, it has got nothing to do with the petitioner-Society. In the meanwhile, a Division Bench of this Court, in W.P.No.19286 of 2021, by order dated 02.02.2022, had forborne the State Government from proceeding to convert the Meikkal and Mandhaiveli lands, except without prior approval of the Court. The relevant portion of the said order dated 02.02.2022, reads as follows:

"5. Admittedly, Meikaal poramboke and Mandaiveli lands are earmarked for the purpose of grazing cattles and therefore, whenever it is to be converted, equivalent land has to be allocated for the said purpose. The provision regarding conversion at times is being misused and therefore, the Apex Court in the case of Rameshbhai Virabhai Chaudhari v. The State of Gujarat, [Civil Appeal No.5135 of 2021, dated 6.9.2021], which dealt with unauthorised encroachment on gauchar land, i.e., grazing land, held that the grazing land should be used only for the purpose for which it is permitted and no encroachment on such land is permissible. The relevant paragraphs of the said judgment are quoted hereunder:

"It is trite to say that gouchar land can be used only for purposes for which it is permitted to be used.



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If there is a user contrary to the permissible user, whether by the State or by any third party, the same cannot go on. Rehabilitation of persons is really not required in the present case as only three persons are entitled to an alternative site as per rules. There is of course some dispute whether the encroachers have made permanent structures or kuchha construction for keeping cattle but be that as it may, the user cannot be contrary to what is being permitted for gouchar land, which is a grazing land. In view of the aforesaid, a direction is issued to bring the land in conformity with its use by the State Government taking appropriate action within a maximum period of three months from today."

6. Taking into consideration the aforesaid direction read with the Rules permitting conversion of Meikaal Poramboke and Mandaiveli lands in the State of Tamil Nadu, we find it to be appropriate to direct the respondents not to convert those lands for regularization of encroachment. For other purposes also, conversion of land cannot be permitted unless equivalent area is identified and earmarked for such purpose. Any order to be passed for it shall be only after the prior approval of this Court. It would be by filing a separate application in the disposed of petition, justifying the conversion of lands and the purpose sought to be achieved, so that the judgment of the Apex Court referred to above is taken to its logical conclusion.



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7. The writ petition is disposed of with the aforesaid observation. There will be no order as to costs."

8. The learned Additional Government Pleader further contended that, pursuant to the order passed by this Court in W.P.No.19286 of 2021, the Government had filed two W.M.Ps., details of which are extracted from the written submissions:

"(a) W.M.P.No.34416 of 2022 in W.P.No.19286 of 2021, sought approval for 52 projects and the Hon'ble Court in its order dated 31.01.2023, were pleased to allow 45 proposals and 7 proposals were returned with a liberty to move a fresh application after curing the defects noted above in respect of the rejected proposal.

(b) W.M.P.No.29755 of 2023 in W.P.No.19286 of 2021, sought approval for 97 projects and the Hon'ble Court in its order dated 19.02.2024, were pleased to allow all the 97 proposals, subject to the condition that if any of those alternative lands are found to be not suitable for grazing at any time later, it would be incumbent upon the Government of Tamil Nadu to forthwith provide some other suitable equivalent land for the purpose as per the undertaking made to the Court."



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9. The learned Additional Government Pleader further submitted that unlike the above 145 proposals, which are mooted only for the benefit of public at large and all the proposals are only pertaining to the Public Departments, however, in the present writ petition, the petitioner being a private Society, while being so, if the request of the petitioner herein is proceed further, then it would affect the larger public interest, as on date, about 145 proposals have been approved by this Court and the said proposals are pertaining to Government Departments/Boards, such as Highways, Railways, Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO), Industry, Educational institutions, Judicial Department, etc., to whom such lands are essentially required for development of infrastructural projects or projects of public interest are taken up for consideration.

10. It is the further submission of the learned Additional Government Pleader that considering the legal position, the proposal itself being mooted on wrong pretext that the petitioner-Society having limb of the Government, the District Collector has given his finding to drop the further proceedings of land alienation.

11. Learned Additional Government Pleader further stated that the Animal Husbandry and Fisheries Department of the Government of Tamil Nadu issued a Government Order in G.O.(Perm).No.186, dated 11.12.2001, Meikkal and Mandhaiveli Poramboke, cannot be converted without obtaining NOC from the

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Animal Husbandry Department and offering an equal extent of suitable alternative land which would be classified as Meikkal/Mandhaiveli Poramboke, so that the total extent of Meikkal/Mandhaiveli Poramboke lands would not get effected. The proposals of alternative land are issued by the Animal Husbandry Department only after obtaining specific recommendation from the Commissioner of Animal Husbandry, who will recommend only after careful examination of the proposal and documents furnished by the concerned District Collector and ensuring that the land proposed to be given as alternative land, is suitable for re-classification as Meikkal/Mandhaiveli Poramboke.

12. Further, it is contended by the learned Additional Government Pleader that the respondents had received the development charges of Rs.3,03,750/- (Rs.15,000/- per hectare) as per Animal Husbandry and Fisheries Department of the Government of Tamil Nadu issued G.O.(Perm).No.186, dated 11.12.2001 and the said charges are obtained only for the purpose to convert the proposed land into Meikkal land and it is not a conclusive proof to confirm the alienation of land in favour of the petitioner-Society, initially, the petitioner-Society's request was considered and however, later, it was found that the petitioner-Society is a private Society, which is against the norms enumerated in G.O.(Perm).No.186, dated 11.12.2001 and accordingly, the fourth respondent-District Collector, vide Na.Ka.No.16307/2015/A5, dated 11.11.2022, had rightly suggested the first respondent/Government to withdraw the exchange of land proposal, which was

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mooted earlier. Hence, for the above reasons, the Writ Petition may be dismissed.

13. Heard both sides and perused the materials available on record.

14. Admittedly, the petitioner-Society is a registered Society under the G.O.(Ms).No.70, dated 28.04.2015 issued from the Housing and Urban Development Department and the petitioner-Society was formed with the approval of the Government of Tamil Nadu and it was registered under the Tamil Nadu Housing Co-operative Federation Scheme. The Accounts of the Society are to be audited under the Registrar of Societies, Ambattur and Chengalpattu. The development of the Housing Co-operative Society was informed to the CRPF Directorate under the intimation to all formation by message, dated 04.06.2015. The then DIGP, GC, CRPF approached the Collector of Kancheepuram District for acquisition and selected the lands. Initially, the same was considered and also the Society also paid Rs.3,03,750/- on 27.10.2016 for the land development fee. Thereafter, the District Collector, Kancheepuram (third respondents herein) sent a proposal to the Secretary to Government of Tamil Nadu, Revenue Department, Secretariat, and the Principal Secretary and the second respondent-Commissioner of Land Administration, Chepauk, Chennai. There was also a Resolution in the Panchayat and the guideline value was also fixed at Rs.40,01,60,000/- for an extent of 20.25.0 hectares.

15. The stand of the respondents is that the petitioner-Society is not

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under the control of the CAPF and it is only non-functional Society started by the private individuals. There is a ban of conversion of Meikkal Poramboke land as per the direction of this Court in W.P.No.19286 of 2021, dated 02.02.2022. The District is already facing scarcity of land for establishing Government Departments. The fourth respondents sent a report to the second respondent to drop the proposal for allotment of the said land to the petitioner-Society.

16. Admittedly, this Court has also passed an order on 02.02.2022 in W.P.No.19286 of 2021, dated 02.02.2022, relevant portion of which reads as follows:

"5. Admittedly, Meikaal poramboke and Mandaiveli lands are earmarked for the purpose of grazing cattles and therefore, whenever it is to be converted, equivalent land has to be allocated for the said purpose. The provision regarding conversion at times is being misused and therefore, the Apex Court in the case of *Rameshbhai Virabhai Chaudhari Vs. The State of Gujarat*, (Civil Appeal No.1535 of 2021, dated 6.9.2021), which dealt with unauthorised encroachment on gauchar land, i.e. grazing land, held that the grazing land should be used only for the purpose for which it is permitted and no encroachment on such land is permissible. The relevant paragraphs of the said judgment are quoted hereunder:

"It is trite to say that gouchar land can be used only for purposes for which it is permitted to be used. If there is a user contrary to the permissible user, whether by the State or by any third party, the same cannot go on. Rehabilitation of persons is really not required in the present case as only three persons are entitled to an alternative site as per rules. **There is of course some dispute whether the**



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encroachers have made permanent structures or kuchha construction for keeping cattle but be that as it may, the user cannot be contrary to what is being permitted for gouchar land, which is a grazing land.

In view of the aforesaid, a direction is issued to bring the land in conformity with its use by the State Government taking appropriate action within a maximum period of three months from today."

6. Taking into consideration the aforesaid direction read with the Rules permitting conversion of Meikaal Poramboke and Mandaiveli lands in the State of Tamil Nadu, we find it to be appropriate to direct the respondents not to convert those lands for regularisation of encroachment. For other purposes also, conversion of land cannot be permitted unless equivalent area is identified and earmarked for such purpose. Any order to be passed for it shall be only after the prior approval of this Court. It would be by filing a separate application in the disposed of petition, justifying the conversion of lands and the purpose sought to be achieved, so that the judgment of the Apex Court referred to above is taken to its logical conclusion.

7. The writ petition is disposed of with the aforesaid observation. There will be no order as to costs."

17. Based on the above order of this Court passed in W.P.No.19286 of 2022, the Government also filed two miscellaneous Petitions, for the following prayer:

(a) W.M.P.No.34416 of 2022 in W.P.No.19286 of 2022: Sought approval

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for 52 Government projects and the Hon'ble Court in the order dated 31.01.2023, allowed 45 proposals and 7 proposals were returned with liberty to move a fresh application after curing the defects noted above in respect of the rejected proposal.

(b) W.M.P.No.29755 of 2023 in W.P.No.19286 of 2022: Sought approval for 97 Government projects and the Honourable Court in the order dated 19.2.2024, allowed all the 97 proposals, subject to the condition that if any of those alternative lands are found to be not suitable for grazing at any time later, it would be incumbent upon the Government of Tamil Nadu to forthwith provide some other suitable equivalent land for the purpose as per the undertaking made to the Court.

18. Since the petitioner-Society is a non-governmental organisation, it does not fall under the directions/guidelines issued by this Court in W.P.No.19286 of 2021.

19. Further, admittedly, the proposed land is classified as "Meikkal Poramboke", which is under the control of Animal Husbandry and Fisheries Department of the Government of Tamil Nadu and even as per the Government Order of the above said Department in G.O.(Per).No.186, dated 11.12.2001, the Meikkal and Mahdhaiveli Poramboke cannot be converted without obtaining NOC from the Animal Husbandry Department and offering an equal extent of suitable alternative land which would be classified as Meikkal/Mandhaiveli Poramboke,



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so that the total extent of Meikkal/Mandhaiaveli Poramboke lands would not be affected and which is reserved/classified for grazing of cattle, which would not get affected.

20. Now, the respondents are not in a position to find out and provide alternative land and ensure that the land proposed to be given as an alternative land, is a suitable re-classification as Meikkal/Mandhaiaveli Poramboke land. Though they have received the development charges and due to the subsequent events, the respondents are not in a position to fulfill the needs of the petitioner-Society.

21. Though the respondents have stated in the counter affidavit that the District Collector has given a finding to drop the further proceedings of land of alienation, and though in the counter affidavit, it is also stated that the fourth respondent has sent a report to the second respondent, on 11.11.2022 to drop the proposal for allotment of the said land(s) to the petitioner-Society, so far, the second respondent has not passed any final order on the same and kept the matter in cold storage.

22. Though the fourth respondent has sent a recommendation to the second respondent, dropping all the proceedings, so far, the second respondent has not passed any final order.

23. The Animal Husbandry and Fisheries Department is not a party to the

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present Writ Petition. However, the respondents have not taken any decision and communicated to the petitioner and therefore, the petitioner has filed the present Writ Petition for issuance of a Writ of Mandamus as prayed for. Since the respondents have not filed any final order to the request of the petitioner regarding the allotment of land to the petitioner-Society, the respondents are directed to consider the representation of the petitioner-Society, given on various dates. In view of the order passed by this Court in W.P.No.19286 of 2021, this Court cannot give any positive direction at this stage and since the respondents have also expressed their difficulties, and considering the facts and circumstances of the case, the respondents are directed to consider the representation of the petitioner given on various dates and pass appropriate orders on merits and in accordance with law, and also considering the report, dated 11.11.2022 of the fourth respondent, within a period of eight weeks from the date of receipt of a copy of this order.

24. With the above directions, the Writ Petition is disposed of. No costs. Consequently, W.M.P. is closed.

19.06.2024

Index: Yes/no

Speaking Order:Yes/no

Neutral Case Citation: Yes/no

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To

1. The Government of Tamil Nadu,
Represented by the Secretary to Government,
Revenue Department,
Secretariat, Fort St.George,
Chennai-600 009.
2. The Commissioner of Land Administration,
Ezhilagam,
Chepauk, Chennai-600 005.
3. The Collector,
Kancheepuram District,
Kancheepuram.
4. The District Collector,
Chengalpattu District, Chengalpattu.

P.VELMURUGAN, J

CS

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Pre-delivery Order
in W.P.No.2066 of 2024

Order Pronounced
on 19.06.2024

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