



W.P.No.3332 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2024

CORAM :
THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.3332 of 2020
and W.M.P.No.3863 of 2020

L.Mohan

... Petitioner

Vs.

- 1.The Land Commissioner,
The Land Administration Department,
Ezhilgam, Chepauk,
Chennai – 600 005.
- 2.The District Collector,
Thiruvanamallai Taluk, Thiruvanamalai District.
- 3.The District Revenue Officer (DRO),
Thiruvanamalai District.
- 4.The Revenue Divisional Officer (RDO),
Thiruvanamalai District.
- 5.The Tahsildar,
Thiruvanamalai Taluk, Thiruvanamalai District.
- 6.The Village Administration Officer,
Chinna Kallappadi Village, Tiruvannamalai Taluk,
Thiruvanamalai District.

7.Murugan



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8.Chinna Papa

9.Mohana Priya

10.Sakthivel

(R7 to R10 impleaded vide order dated 15.07.2021 made in WMP.14711 of 2021 in WP.3332 of 2020 by VBDJ)

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the order passed by the third respondent in Na.Ka.No.A2/54512/2015 order dated 09.03.2017 and quash the same and direct the respondents 3 to 6 to issue the patta in favour of petitioner.

For Petitioner : Mr.S.Ramajayam

For Respondents 1 to 6 : Mr.K.Surendran,
Additional Government Pleader

For Respondents 7 to 9 : Notice unserved

ORDER

The petitioner has filed this petition seeking to call for the records pertaining to the order passed by the third respondent in Na.Ka.No.A2/54512/2015 order dated 09.03.2017 and quash the same and



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direct the respondents 3 to 6 to issue the patta in favour of petitioner.

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2. The case of the petitioner is that he is working as Naik in Indian Army and the Government allotted him a waste land on 19.06.2015 under the scheme called “Allotment of Government Waste Land for Cultivation/Construction of House:Service Soldier”. After receiving the same, the petitioner's wife started cultivating the land. This being the case, the third respondent cancelled the settlement land. Therefore, the petitioner filed a revision petition before the third respondent and the same was rejected vide Na.Ka.No.Aa2/54512/2015 dated 09.03.2017. Thereafter, the petitioner sent a representation to the first respondent, which was also rejected and directed him to approach a competent Court. Hence, the petitioner has come forward with the present writ petition.

3. When this matter was taken up for hearing on earlier occasion i.e., on 04.07.2024, this Court directed the learned Additional Government Pleader appearing for the respondents 1 to 6 to get instruction regarding the alternate assignment of land, since the land which was allotted to the petitioner is situated in the Reserved Forest Area. For better appreciation and



understanding, the relevant portion of the order is extracted hereunder:

“ 2. Learned counsel appearing for the petitioner submitted that the land which was assigned to the petitioner in the year 2015 is in forest land and the fifth respondent the Tahsildar, Thiruvannamalai District has issued the Assignment Order without verifying the records that the land is situated in the Reserved Forest Area and the Assignment Order was also confirmed by the Appellate Authority, the third respondent the District Revenue Officer (DRO), Thiruvannamalai District.

3. The petitioner is soldier in the Indian Army, who is presently posted at Jammu and Kashmir and the land which was assigned to the petitioner is situated in the Reserved Forest Area, alternate land has to be assigned to the petitioner and he cannot suffer for the mistake done by the fifth respondent namely Tahsildar, Thiruvannamalai District.

4. Learned Additional Government Pleader appearing for the first to sixth respondents is directed to get instructions from the fifth respondent the Tahsildar, Thiruvannamalai District, who issued the Assignment Order way back in the year 2015. If he is promoted as the Revenue Divisional Officer (RDO), then the present place of posting particulars to be furnished in the next hearing date.

5. Learned Additional Government Pleader appearing for the first to sixth respondents is also directed to get instructions from the second respondent the District Collector, Thiruvannamalai District regarding alternate assignment of land.



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6. *Mr.P.Anandakumar, learned Government Advocate submitted that already disciplinary action has been initiated by the second respondent the District Collector, Thiruvannamalai District against the fifth respondent based on the recommendation of the third respondent the District Revenue Officer (DRO), Thiruvannamalai District on 09.03.2017.*

7. *Learned Additional Government Pleader is also directed to verify the present status of the disciplinary action taken by the second respondent against the fifth respondent.*

8. *Post this case on 10.07.2024”*

4. Pursuant to the order of this Court dated 10.07.2024, **Mr.S.Manjunathan, Deputy Tahsildar, Tiruvannamalai** appeared in person before this Court and submitted that there was a discussion between the District Tahsildar, Tiruvannamalai and the Revenue Divisional Officer, Tiruvannamalai with regard to the allocation of alternate land/house site to the petitioner. Therefore, this Court directed the second respondent to file a action taken report/status report in regard to the assignment of alternate land to the petitioner and adjourned the case to 24.07.2024.

5. When the matter was taken up for hearing on 31.07.2024, learned counsel for the petitioner submitted that the respondents have allotted the



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land to the petitioner which is situated near the temple and the patta was also issued to him. When the petitioner went to take possession of the property, the local residents of the area objected him and stated that the site is situated near the temple and during festival time they are using the same for various rituals. **Hence, this court directed Mr.S.Manjunathan, Zonal Deputy Tahsidlar, Tiruvannamalai to appear in person before this Court with the relevant files on 02.08.2024.**

6. In compliance of the aforesaid order of this Court dated 31.07.2024, Mr.S.Manjunathan, Zonal Deputy Tahsildar, Tiruvannamalai has appeared before this Court and submitted that **the fifth respondent has already selected two house sites for the petitioner, if there is no objection from anyone, the same will be allotted to the petitioner.** He has also prayed this Court to grant eight weeks time for completing the said exercise.

7. The aforesaid submission has been taken on record and this Court also makes it clear that;

(i) if any objection is raised in regard to the aforesaid two house sites, the fifth respondent should identify another house site, which is not



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objected by anyone, and

(ii) along with allotment order, the petitioner is entitled for possession in the said land with immediate effect.

8. The aforesaid exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

9. This Writ Petition is disposed of with the aforesaid observation and directions. No costs. Consequently, connected miscellaneous petition is also closed.

02.08.2024

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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

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The Land Administration Department,
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J.SATHYA NARAYANA PRASAD,J.

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