



WEB COPY



W.P.No.16581 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.16581 of 2020
and
W.M.P.No. 20563 of 2020

All India BSF Ex-Servicemen Welfare Association,
(State Committee)
Represented by its Secretary Mr.P.Shanmugaraj
having office at No. 3, 1st Street, Balaji Nagar,
Korattur, Chennai 700 076.

...Petitioner

-Vs-

1. The District Collector,
Vellore District,
Office of District Collector,
Vellore, Tamilnadu.

2. The District Registrar,
Office of the District Registrar,
Fort, Vellore District,
Tamilnadu.

3. BSF Ex.Service Man Welfare Association of Tamil Nadu,
Represented by its President, Mr.S.K.Srinivasan,
No. 49, Vinayagapuram, 2nd Street,
MMDA Colony, Arumbakkam, Chennai – 600 106.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,



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praying for the issuance of a direction in the nature of Writ of Mandamus, directing the first and second respondents to dispose of the Complaint of the petitioner dated 14.09.2020 which was duly served on 18.09.2020 within a time frame as may be Prescribed by this Court.

For Petitioner : Mr.N.Ganesh

For R1 : Mr.K.Surendran
Additional Government Pleader

For R2 : Mrs.M.Jayanthi
Additional Government Pleader

For R3 : Mr.A.Irundayam

ORDER

This writ petition is filed seeking for issuance of Mandamus to direct the first and second respondents to dispose of the Complaint of the petitioner dated 14.09.2020 which was duly served on 18.09.2020 within a time limit fixed by this Court.

2. The case of the petitioner is as follows:-

2.1 The member of the Petitioner association have served and retired from Border Security Force, referred as BSF, a Para-Military Force. The Petitioner association was formed with the main object of taking care of the members of the association, disabled BSF Personnel, widows of BSF



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Personnel, in the matter of service benefits and to meet their basic requirements to lead a happy and peaceful retired life, after serving the Nation for many years.

2.2 The third respondent is also one such association formed for the welfare of the BSF Ex-Service Personnel. The third respondent association with an aim to provide housing facilities to retired Personnel, Widows of BSF Personnel, Physically Handicapped BSF Personnel, who are members of the third respondent Association, sent a representation to the Vellore District Collector on 15.12.2017 and 15.02.2018 for allotment of Government Poramboke Land in Survey No. 219/4 situate in Puthur Village, Katpadi Circle, Vellore District, of an extent of approximately 3 Acres, for their Association. The first respondent after taking consideration of the representation of the third respondent, allotted aforesaid Government Poramboke lands by proceedings vide R.C.B2/25797/2017 dated 29.06.2019 to the third respondent. In continuation of the first respondent's proceedings, the revenue department represented by Tahsildar, Katpadi issued patta to the third respondent in Patta No. 1001.

2.3 The first respondent had allotted the land for the benefit of members of the third respondent by allotting house plots through the third



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respondent. The third respondent after the said allotment, simply developed the lands as like a real estate developers and sold the same for near about Rs.36/- per Sq.feet by adding the purchasers as new members of the association. By the way, landless Ex-BSF Personnel never benefitted with this but on the other hand already those who have house, bungalow and lands invested this project as future investment in support of the third respondent.

2.4 The Petitioner on 14.09.2020 sent detailed complaint to the first respondent regarding the misappropriation of Government allotted lands and the direct revenue loss of the Government. Till date, there is no reply from the first respondent. On the other hand, the third respondent day by day executing sale deeds and register the lands in support of the second respondent, even he did not have any valid power of attorney. In order to protect the interest of the innocent needy landless Ex-BSF Personnels, the petitioner has come forward with the present writ petition.

3. The learned counsel for the third respondent submitted that association has been already dissolved on 23.05.2018. Hence the petitioner has no locus standi to file the present writ petition. Further, the learned



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counsel appearing for the third respondent has filed type set of papers including the reply under RTI Act by the District Registrar Office, Nagercoil, dated 07.06.2024 in which it is stated that All India BSF Ex-Servicemen Welfare Association (register No. 13/2012), have filed the appeal under Section 44(5) of the Tamilnadu Registration Act, 1975 is pending.

4. The learned counsel for the petitioner submitted that subsequent to the dissolution, the association has been restored and he was directed to produce the document to that effect today (i.e.20.06.2024). Even today, he is unable to produce the document of restoration of Association. Since the appeal is pending, no order has been passed in restoring the association.

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

6. In view of the above, the following order is passed by this Court:-

“The first respondent is directed to consider the representation of the petitioner dated 14.09.2020 by giving due notice to both the parties, opportunity of personal hearing, to consider the documents filed by both the



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parties at the time of enquiry, on merits, in accordance with law and pass appropriate orders by following above principles of natural justice within a period of three months from the date of receipt of copy of this order.”

7. With above said direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

20.06.2024

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Index: Yes/No

Speaking Order : Yes/No

Neutral case citation: Yes/No

J.SATHYA NARAYANA PRASAD, J.

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