



WEB COPY



W.P.No.21116 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 29.07.2024**

CORAM:

**THE HON'BLE MR.D.KRISHNAKUMAR**  
**ACTING CHIEF JUSTICE**

**AND**

**THE HON'BLE MR.JUSTICE K.KUMARESH BABU**

**W.P.No.21116 of 2024 and**  
**W.M.P.Nos.23050 and 23052 of 2024**

Rathinam

... Petitioner

-VS-

1. The District Collector,  
Salem, Salem District.
2. The Tahsildar,  
Omalur, Omalur Taluk,  
Salem District.
3. The Deputy Registrar,  
Co-Operative Societies,  
Omalur Zonal, Omalur Taluk,  
Salem District.
4. The Executive Officer,  
No.43, Pagalpatti Primary Agricultural,  
Co-Operative Society,  
Omalur Taluk, Salem District.
5. The Village President,  
Kottagoundampatti Village,  
Omalur Taluk,  
Salem District-636 011.

... Respondents



W.P.No.21 of 2023

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the 1<sup>st</sup> respondent dated 04.04.2023 in proceeding Na.Ka.No.15144/2015/E4, quash the same and consequently direct the respondents 1 & 2 to allot the land in S.No17/1B to an extent of 0.19.5 Hec. an unassessed Government Poramboke situate at Kottagoundampatti Village, Omalur Taluk for construction of building in favour of Omalur Agricultural Co-Operative Credit Society.

For Petitioner : Mr.M.Elango  
For R1 to R5 : Mr.K.Karthik Jaganaath  
Govt. Advocate

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### **ORDER**

*(By the Hon'ble Acting Chief Justice)*

This Writ Petition has been filed, challenging the order dated 04.04.2023 passed by the 1<sup>st</sup> respondent vide Proceedings in Na.Ka.No.15144/2015/E4, by which, the ownership of the land was transferred in favour of the 4<sup>th</sup> respondent. The petitioner also sought a direction to the respondents 1 & 2 to allot the land in S.No17/1B to an extent of 0.19.5 Hec. an unassessed Government Poramboke situate at Kottagoundampatti Village, Omalur Taluk for construction of building in favour of Omalur Agricultural Co-Operative Credit Society.

2. Mr.K.Karthik Jaganaath, learned Government Advocate takes notice for the respondents. By consent, the Writ Petition itself is taken up for final disposal at the stage of admission.



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3. It is the case of the petitioner that the subject matter of the property in S.No.17/1B to an extent of 0.19.5 Hec., Kottagoundampatti Village, Omalur Taluk, Salem District, is classified as Government Unassessed Poramboke land and the people residing at Kottagoundampatti, Anaigoundampatti and Puliampatti Villages are used to go to Omalur Agricultural Co-operative Credit Society for crop loans, which is located 3kms away from the villages of the petitioner. It is further case of the petitioner that there was no land or building owned by the Omalur Agricultural Co-operative Credit Society and while so, the 1<sup>st</sup> respondent, vide proceedings dated 04.04.2023, transferred the ownership of the land to the 4<sup>th</sup> respondent. According to the report of the Revenue Divisional Officer, the S.No.17/1B had been divided into two parts retain and one part, namely, 0.1766.0 sq.mt. had been classified as Government Poramboke Land and the remaining portion of the land had been subdivided in favour of the 4<sup>th</sup> respondent Society.

4. It is stated by the petitioner that though the 5<sup>th</sup> respondent Village President was stated to have passed a resolution dated 13.01.2023 as mentioned in the impugned order, there was no such resolution passed as on date. It is the grievance of the petitioner that if the 4<sup>th</sup> respondent established a Society in the said place, it will cause a great inconvenience to the village people. Stating all these facts, the petitioner



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had already made a representation to the concerned authority, besides filing the instant

Writ Petition, challenging the order dated 04.04.2023 and sought for allotment of the

aforesaid land to the Omalur Agricultural Co-operative Credit Society.

5. On going through the averments made in the Writ Petition, we are of the considered opinion that the present petition is not in the nature of Public Interest Litigation, as the administrative decision taken by the 1<sup>st</sup> respondent has been called in question. This Court cannot issue a blanket direction to the respondents to consider the representation of the petitioner and the petitioner should have approached the authority concerned immediately after the issuance of the proceedings by the 1<sup>st</sup> respondent. After a lapse of more than one year, the proceedings of the 1<sup>st</sup> respondent cannot be put to challenge, that too, under the guise of Public Interest Litigation, which is hit by the principle of unreasonableness.

6. Finding no valid ground to entertain this instant petition, the Writ Petition is dismissed as devoid of merits. No costs. Consequently, connected Miscellaneous Petitions are closed.

**[D.K.K.,ACJ.]**

**[K.B.,J.]**

**29.07.2024**

Index: Yes / No

Internet: Yes / No

Speaking Order/Non Speaking Order

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- To:
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Salem, Salem District.
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**HON'BLE ACTING CHIEF JUSTICE**  
**AND**  
**K.KUMARESH BABU,J.,**  
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