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W.P No.29979 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2024

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.29979 of 2024

Anthony Nayagam

..Petitioner

Vs.

1. The District Collector,
The District Collectorate,
Chengalpattu District.
2. The Revenue Divisional Officer,
The Revenue Division Office,
Tambaram,
Chennai 600 045.
3. The Tahsildar,
Office of the Taluk,
Zamin Pallavaram,
Chennai 600 044.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to consider my representation dated 17.08.2024 and to allot the land in my favour on



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Ex-Servicemen Quota in around Tambaram within a stipulated time as fixed
by this Court.

For Petitioner : Mr.V.Nithyanandam

For Respondents : Mr.P.Sathish, for R1 to R3
Additional Government Pleader

ORDER

The petitioner herein seeks a direction to the respondents to consider his representation dated 17.08.2024 and allot a land in his name in and around Tambaram as his father served in Army, within stipulated time fixed by this Court.

2. It is the case of the petitioner that his father served in Army. He submitted a representation before the respondents seeking allotment of a land under Ex-servicemen quota and the same has not been considered during his time. After the death of the petitioner's father, the petitioner submitted a fresh representation seeking allotment of land under Ex-servicemen quota and the same has not been considered. Hence, the petitioner is before this Court.



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3. Mr.P.Sathish, learned Additional Government Pleader, who takes notice for the respondents 1 to 3 would submit that the petitioner is not a Ex-servicemen, however he requested for allotment of a land under Ex-servicemen quota in and around Chennai City limit. He further submitted that Tambaram is coming within the prohibited belt area, where the assignment of the lands are prohibited by the Government as per the order in GO.Ms.No.1135. The learned Additional Government Pleader appearing for the respondents 1 to 3 also brings to the notice of this Court the order passed by this Court in earlier Writ Petition in W.P.No.33434 of 2023 filed by the petitioner.

4. A reading of the order passed by this Court in the earlier Writ Petition would suggest that a land was allotted to the petitioner's father by the Government under Ex-servicemen quota. The said land was settled by the petitioner's father in favour of the petitioner under Doc.Nos.3253 of 2019 dated 23.04.2019 registered on the file of the Sub-Registrar Office, Pallavaram. Though the said land was registered in the name of the petitioner, patta was not transferred in the name of the petitioner. Hence, he made a representation before the respondents seeking patta in his name and the same



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has not been considered. Aggrieved by the non-consideration of the representation of the petitioner, he filed the earlier Writ Petition. The said Writ Petition was disposed of to consider the representation and pass final order. Thereafter, Contempt Petition No.1957 of 2024 was filed. When the Contempt Petition was taken up for hearing, the respondent produced the order passed by the them on the representation of the petitioner and recording the same the Contempt Petition was closed giving liberty to the petitioner to challenge the order in the manner known to law.

5. The petitioner without challenging the order passed by the respondents submitted a fresh representation dated 17.08.2024 seeking allotment of land under Ex-servicemen quota in and around Tambaram.

6. In view of the fact that land was already allotted in favour of the petitioner's father, there may not be another allotment in favour of the petitioner. Further the petitioner is seeking allotment in and around Tambaram area which falls within the prohibited belt area.



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7. In such circumstances, this Court is not inclined to issue any positive direction to the respondents to consider the representation of the petitioner. However, it is always open to the petitioner to challenge the order passed by the respondents as per the liberty granted in Contempt petition.

8. Accordingly, this Writ Petition is dismissed. No costs.

15.10.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
dna

To

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S.SOUNTHAR, J.

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