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W.P.No.25073 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03..04..2024

Coram

THE HON'BLE MR JUSTICE N.SATHISH KUMAR

Writ Petition No.25703 of 2023

Anthony Samy

..... Petitioner

-Versus-

1.The District Revenue Officer
O/o The District Revenue Officer,
Villupuram District,
Villupuram.

2.The Revenue Divisional Officer,
Vikravandi,
Villupuram District.

3.The Tahsildar,
(Revenue),
Vikravandi,
Villupuram District.

4.The Revenue Inspector,
Kanjapur Firka,
Vikkrafandi,
Villupuram District.

5.The Firka Surveyor,
(Maintenance Field Surveyor),
Kanjapur Firka,
Vikravandi Taluk,
Villupuram District.

..... Respondents



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..... Respondents

Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Mandamus directing the respondents 4 & 5 herein to conduct an enquiry and submit a report in the light of the proceedings of the 1st respondent vide proceedings Na.Ka.A2/4340/2016 dated 07.07.2016 and proceedings of the 3rd respondent Na.Ka.A2/1420/2016 dated 04.07.2018 and for a consequential direction to the respondents 1 and 2 herein to assign land to the petitioner herein under Ex-servicemen category.

For Petitioner : Mr.M.Venkadesh

*For Respondent (s) : Mr.U.Baranidharan,
Additional Government Pleader
for RR1 to 5*

ORDER

This writ petition has been filed seeking a writ in the nature of mandamus, directing the respondents 4 & 5 to conduct an inquiry and submit a report regarding assignment of land in favour of the petitioner under Ex-servicemen category in the light of the proceedings of the 1st respondent dated 07.07.2016 and the 3rd respondent dated 04.07.2018 and for a consequential direction to the respondents 1 and 2 to assign land to the petitioner under Ex-Servicemen category.

2. The petitioner claims to be an Ex-servicemen. The grievance of the petitioner is that, though his representation dated 05.07.2016 seeking



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assignment of land for agricultural purpose was forwarded by the respondents 1 and 2 to the 3rd respondent-Tahsildar (Revenue) and the 3rd respondent-Tahsildar, in turn, directed the 4th respondent – Revenue Inspector requiring him to make a field inspection in the village for assignment of land on free of cost under the Ex-servicemen category and make an enquiry on the application of the petitioner and submit his proposal for assignment, till date no action has been taken by the respondents 4 and 5. Hence, this writ petition.

3. The 3rd respondent-Tahsildar filed his counter affidavit *inter-alia* contending that land which is sought to be assigned on free of cost has already been in occupation of someone else in the same village. There is no vacant land suitable for assignment in Esalam village. Further it is contended that the petitioner is not residing in the village and he is at present residing in Puducherry. It is further contended by the 3rd respondent that the petitioner is a permanent resident of Kanakkankuppam village in Gingee Taluk.

4. Heard both sides.

5. As per Order 15 of the Revenue Standing Orders, Government land can be assigned to private persons on collection of prevailing market value of land as on date of assignment. The prime purpose of such assignment is to bring cultivable waste land into cultivation. The respondents took a stand that



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there is no such cultivable dry land available in the village. The petitioner has no vested right to get the land assigned to him. When there is no land suitable for assignment as sought by the petitioner, this court cannot give any positive direction as sought by the petitioner.

In the result, the writ petition is dismissed, however, with the above directions.

Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
kmk

03..04..2024

To

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- 3.The Tahsildar, (Revenue), Vikravandi, Villupuram District.
- 4.The Revenue Inspector, Kanjanur Firka, Vikkrafandi, Villupuram District.
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