



W.P.(MD) No.18823 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD).No.18823 of 2024

- 1.Vadamalayan
- 2.Kamatchi
- 3.Veluchamy
- 4.Muthusamy
- 5.Karuppiah
- 6.P.Sivakumar
- 7.Kokila
- 8.Chithra Devi
- 9.Kannan
- 10.Malarjothi
- 11.Jayalakshmi
- 12.Saratha
- 13.Jegadeesan



W.P.(MD) No.18823 of 2024

WEB COPY

14. Alagarsamy

15. Muthuraj

16. Devi

17. Nagajothi

18. Nagaraj

19. Kannan

20. Lanina

.. Petitioners

Vs.

1. The Member Secretary,
Tamil Nadu Boodhan Board /
The Commissioner for Land Administration,
Chepauk, Chennai.

2. The District Collector,
Theni District,
Theni.

3. The District Revenue Officer,
Theni District, Theni.

4. The Tahsildar,
Office of the Tahsildar,
Theni.

5. The Executive Officer,
Palanichettipatti Town Panchayat,
Theni, Theni District.



W.P.(MD) No.18823 of 2024

WEB COPY

6.O.J.Murugesan

7.Girija Malliga

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents 1 to 4 herein to grant free house site patta of 2.1/2 cents in Survey No. 57/2A1 measuring 50 cents Palanichettipatti, Veerapandi Village Hamlet, Theni Taluk, Theni District under the Tamil Nadu Bhoodan Yagna Act, 1958, pursuant to cancellation of patta granted to the 6th respondent by 1st respondent in its proceedings Se.Mu.No.K2/10525/2022, dated 06.02.2024 as per the Resolution No.26 in ref.K2/10525/2022, dated 04.01.2024 in the meeting held by 1st respondent Board.

For Petitioner	:	Mr.K.Appadurai
For R1 – R4	:	Mr.D.S.Neduncheziyan Government Advocate
For R5	:	Mr.M.Senthil Ayyanar Government Advocate

ORDER

Seeking a Mandamus to the respondents 1 to 4 to grant free house site patta for the 2 and ½ cents in Survey No.57/2A1, totally measuring



W.P.(MD) No.18823 of 2024

50 cents in Palanichettipatti, Veerapandi Village Hamlet, Theni Taluk, Theni District under Tamil Nadu Bhoodan Yagna Act, 1958, the petitioner is before this Court.

2. The case of the petitioners is that the aforesaid land was donated by one S.R.P.Jegannathan in favour of the Tamil Nadu Boomidhan Board in 1956 for distributing the same as house site to landless poor. It appears that the 6th respondent who is none else than the brother of the donor, colluding with the officials, obtained assignment of the entire extent of 50 cents for doing cultivation on 27.01.1986 that the land is assigned to achieve the object of the Tamil Nadu Bhoodan Yagna Act, 1958 for grant of land to landless poor and the assignment further stipulated that the assignee cannot sell or transfer or lease out the same to 3rd party and that if cultivation is not done continuously for over 3 years, it would amount to violation of the assignment conditions and consequently the assignment would be cancelled. The petitioners and similarly placed persons had made an application to the Revenue Department for grant of free house sites. However, there was no response. Therefore, they had



W.P.(MD) No.18823 of 2024

filed W.P.No.20822 of 2000 and the said writ petition was dismissed on the ground that the assignment granted to the 6th respondent had not been cancelled and the writ is therefore premature.

3. Meanwhile, the 6th respondent and the wife of the donor one Girija Malliga, the 7th respondent to the proceedings had colluded and formed a layout treating the assigned lands as their personal property. They had also executed gift deed in favour of the Town Panchayat for formation of roads. The above proceedings does not refer to the assignment. The show cause notices were issued after the 4th respondent had inspected the property. The 4th respondent had recommended the cancellation of the assignment in favour of the 6th respondent and to allot the same to landless poor.

4. The 6th respondent has in the meanwhile filed a civil suit in O.S.No.104 of 2015 on the file of District Munsif Court, Theni for a bare injunction. The said suit was dismissed for default. The 1st petitioner filed W.P(MD)No.13831 of 2016 for a Mandamus directing the 1st respondent



W.P.(MD) No.18823 of 2024

to pass final orders on the recommendation of the 3rd respondent for grant of free house site. The recommendation of the 3rd respondent was to cancel the assignment. Meanwhile, the writ petition filed by the individual referred above was dismissed. However, despite all these orders, the petitioners are yet to be assigned the lands.

5. Therefore, taking into account the fact that the 6th respondent has got the assignment in his name contrary to the assignment conditions as he is not a landless poor, this writ petition is **allowed** by directing the respondents 1 to 4 to consider the representation of the petitioner, dated 22.08.2016 and pass orders within a period of six (6) weeks from the date of receipt of copy of this order. No costs.

06.08.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes
gbg



WEB COPY



W.P.(MD) No.18823 of 2024

To

- 1.The Member Secretary,
Tamil Nadu Boodhan Board /
The Commissioner for Land Administration,
Chepauk, Chennai.
- 2.The District Collector,
Theni District,
Theni.
- 3.The District Revenue Officer,
Theni District, Theni.
- 4.The Tahsildar,
Office of the Tahsildar,
Theni.
- 5.The Executive Officer,
Palanichettipatti Town Panchayat,
Theni, Theni District.



WEB COPY



W.P.(MD) No.18823 of 2024

P.T.ASHA, J.

gbg

W.P.(MD) No.18823 of 2024

06.08.2024