



W.P (MD).No.26386 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2024

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P (MD).No.26386 of 2024

and

W.M.P(MD)No.22357 of 2024

K.John Kennedy

...Petitioner

Vs.

1.The Principal Secretary to Government,
Revenu and Disaster Management Department,
Secretariat, Fort St. George,
Chennai-600 0009.

2.The Commissioner of Land Administration,
Ezilagam, Chepauk,
Chennai-600 005.

3.The District Collector,
Tirunelveli District,
Tirunelveli.

4.The District Revenue Officer,
Tirunelveli District,
Tirunelveli.

5.The Revenu Tahsildar,
Cheranmahadevi Taluk,
Tirunelveli District,
Tirunelveli.

...Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 5th respondent in Na.Ka.Aa2/355/2024, dated 23.02.2024 and to quash the same and consequently to direct the 5th respondent for granting of land to the petitioner by way of lease situated in Survey No. 362/1B, Thiruviruthanpulli Village II, Cheranmahadevi Taluk, Tirunelveli District for agriculture purposes.

For Petitioner : Mr.V.Rajiv Rufus
For R1 to R5 : Mr.D.Gandhi Raj
Special Government Pleader

ORDER

This writ petition has been filed challenging the order passed by the fifth respondent, dated 23.02.2024 thereby rejecting the request made by the petitioner seeking lease right for the land comprised in Survey No.362/1B situate at Thiruviruthanpulli Village II, Cheranmahadevi Taluk, Tirunelveli District.

2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.



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3. The petitioner owned the land adjacent to the land comprised in Survey No.362/1B. The said land is classified as 'Kallangothu Poromboke Land' and it belongs to the Government. While planting coconut tree in his land, he also planted the coconut saplings in the 'Kallangothu Poromboke Land' comprised in Survey No.362/1B. Therefore, in order to maintain the same, the petitioner submitted an application seeking assignment or alienation or lease over the said land under the provisions of Government Grants Act 1895. On receipt of the said application, the fifth respondent rejected the request made by the petitioner on the ground that the said subject land is proposed to use the house-site for the landless poor and they also taking steps to reclassify the land as Natham.

4. The learned counsel for the petitioner would submit that the petitioner was not given an opportunity of hearing and without conducting an enquiry on the application, the fifth respondent mechanically rejected the request made by the petitioner. Further, the respondents are now proposed to lease out the said subject property for the quarry purpose.

5. Admittedly, the petitioner has no right over the subject property which is classified as 'Kallangothu Poromboke Land' belongs to the



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Government. Therefore, the petitioner cannot compel the respondents to lease out the subject land in his favour. In the fact, the petitioner has encroached the subject land and planted the coconut trees. It would not give any right to the petitioner to seek lease right of the land. That apart, the said respondents proposed to reclassify the land as Natham for the purpose of house-site to the landless poor. If any encroachment is made by the petitioner over the subject land, the respondents are at liberty to take appropriate action against the petitioner to remove the encroachment from the subject land.

6. In view of the above, this Court finds no infirmity or illegality in the order passed by the fifth respondent and this writ petition is devoid of merits and it is liable to be dismissed.

7. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Internet : Yes
Index : Yes/No
Speaking/Non Speaking order
am

04.11.2024



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To

WEB COPY

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G.K.ILANTHIRAIYAN, J.

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