



W.P.(MD)No.22863 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2025

CORAM

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.22863 of 2024

G.R.Amalaking

: Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Sub Collector,
Cheranmahadevi,
Tirunelveli District.

3.The Tahsildar,
Ambasamudram Taluk,
Tirunelveli District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the third respondent herein to take necessary action on the basis of the urgent memo dated 28.05.2024 passed by the second respondent herein for providing dry land to Ex-Serviceman within a stipulated time fixed by this Court.



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W.P.(MD)No.22863 of 2024

For Petitioner : Mr.C.Rathina Vel Pandian
For Respondents 1 to 3 : Mr.B.Saravanan
Additional Government Pleader

ORDER

The petitioner being an Ex-service man has sought for issuance of free lands in his favour. According to the petitioner, the second respondent has also recommended for issuance of lands, finding the request of the petitioner to be genuine. The grievance of the petitioner is that despite the recommendation of the second respondent, no orders have been passed assigning lands for free to the petitioner.

2.Learned Additional Government Pleader would submit that the lands in respect of which the petitioner sought for assignment cannot be considered in view of pendency of civil suit in respect of one survey number and in respect of another survey number, the classification is a pathway and in respect of third survey number, such survey number is not at all reflected in the revenue records. He further contended that the scheme is only to prioritize landless poor persons or widows or dependents of soldiers who died or soldiers who are completely disabled during military operations.



W.P.(MD)No.22863 of 2024

In respect of such ex-servicemen who are already in possession of any lands for over thirty years, then, the Government can consider such case for issuance of free house site patta. In short, the contention of the learned Additional Government Pleader is that the petitioner cannot claim assignment as a matter of right.

3. Learned Counsel for the petitioner states that he has served the army for thirty long years and when his case has also been positively recommended by the second respondent after due enquiry and if not the subject survey numbers where the respondents now state that there is no possibility of assignment, atleast some other alternative land can be identified and assigned to the writ petitioner.

4. Without going into the merits of the petitioner's entitlement, considering the fact that the petitioner seeks issuance of mandamus to dispose of the second respondent's urgent memo dated 28.05.2024, it would suffice to direct the second respondent to consider the eligibility / entitlement of the writ petitioner for assignment. The second respondent who has already directed the third respondent to conduct enquiry and thereafter, the third respondent has not conducted any enquiry.



W.P.(MD)No.22863 of 2024

WEB COPY

5. In view of the above, the third respondent is directed to conduct an enquiry, after giving an opportunity to the petitioner and forward a report regarding the entitlement / eligibility of the writ petitioner for assignment of patta and based upon the said report, the second respondent shall pass final orders within a period of twelve [12] weeks. The respondents shall also keep in mind that the petitioner is an ex-serviceman and if he is entitled to assignment in any of the prevailing scheme then, the petitioner can be suitably accommodated. This observation is not to be considered as a positive direction of this Court.

6. Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs.

07.03.2025

Index : Yes / No

Internet : Yes / No

NCC : Yes/No

MR



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W.P.(MD)No.22863 of 2024

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W.P.(MD)No.22863 of 2024

P.B.BALAJI., J.

MR

W.P.(MD)No.22863 of 2024

07.03.2025