

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.Nos.17245 and 17246 of 2015

And

M.P.Nos.1 and 1 of 2015

K.Govindaraju ... Petitioner in W.P.17245 of 2015
R.Ramalingam ... Petitioner in W.P.17246 of 2015

Vs.

1.The Secretary to Government
Revenue Department
Fort St. George, Chennai - 600 009.

2.The District Collector
Salem District.

3.The Deputy Registrar of
Co-operative Societies
Omalar, Salem District.

4.The Tahsildar
Omalar Taluk, Salem District.

... Respondents in both W.Ps.

Prayer in W.P.17245 of 2015:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the application dated 01.08.2014 for grant of patta in respect of 3.5 acres of land in S.Nos.448 and 444, Kanavoiputhut Village as per the orders issued in GO Ms.255 dated 2.11.1993 Adidraida and Tribal Welfare Department.

Prayer in W.P.17246 of 2015:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the application dated 01.08.2014 for grant of patta in respect of 5 acres of land in S.No.443/2, Kanavoiputhut Village as per the orders issued in GO Ms.255 dated 2.11.1993 Adidraida and Tribal Welfare Department.

For Petitioners: Mr.M.Devaraj

For Respondents: Mr.V.Subbiah for R1, R2 and R4
Special Government Pleader
Mr.D.Venkatachalam for R3
Government Advocate

C O M M O N O R D E R

By consent these writ petitions are taken up for final disposal.

2. Petitioners would state that there is a vast extent of land allotted to poor persons by the Government through the Land Colonisation Co-operative Society and one such society was "Kanavoiputhur Land Colonisation Co-operative Society" bearing no.583 which had about 174 members on its roll and subsequently it was dissolved. The petitioners would state that the society had allotted 5 acres of land each to its member and the petitioners fathers were member at the said society and were also allotted an extent of 3.5 acres of land in S.Nos.448 and 444 and 5 acres of land in S.No.443/2 respectively, wherein they have put up residential houses and also cultivated the land and the superstructure were also assessed statutory levies. Petitioners would state that the Government has issued G.O.Ms.255 dated 02.11.1993 to assign the lands in possession of various societies to individual members. The grievance expressed by the petitioners is that no such steps have been taken to comply with the terms of the said Government Order and the Tahsildar, Omalur Taluk, Salem District vide memo dated 18.08.2010 has also informed the local body President that necessary proposals have been forwarded to the State Government for conversion and orders are awaited. Petitioners have also submitted representations dated 01.08.2014 praying for issuance of patta in respect of the land which is in their possession owing to the respondents and though the representations have been acknowledged, they have been favoured with no response, hence, came forward to file these writ petitions.

3. Learned counsel appearing for the petitioners would submit that since the fourth respondent has already made recommendation vide his memo dated 18.08.2010 in terms of the G.O.Ms.No.255, Adi Dravidar and Tribal Welfare (TDL.2) Department, dated 02.11.1993, the first respondent may be directed to take expedite steps and after conversion, patta can be issued in favour of the petitioners and prays for appropriate orders.

4. This Court heard the submissions of Mr.M.Devaraj, learned counsel appearing for the petitioner, Mr.V.Subbiah, learned Special Government Pleader who accepts notice on behalf of the respondents 1, 2 and 4 and Mr.D.Venkatachalam, learned Government Advocate who accepts notice on behalf of the third respondent.

5. This Court in the light of the facts and circumstances, directs the fourth respondent to take into consideration his memo in O.Mu.No.532/10/B6 dated 18.08.2010 and follow up the matter through proper channel and also consider the representation dated 01.08.2014 submitted by the petitioners in accordance with law and pass orders as expeditiously as possible not later than ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners.

6.These writ petitions are disposed of accordingly. No costs. Consequently the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1.The Secretary to Government
Revenue Department
Fort St. George, Chennai - 600 009.

2.The District Collector
Salem District.

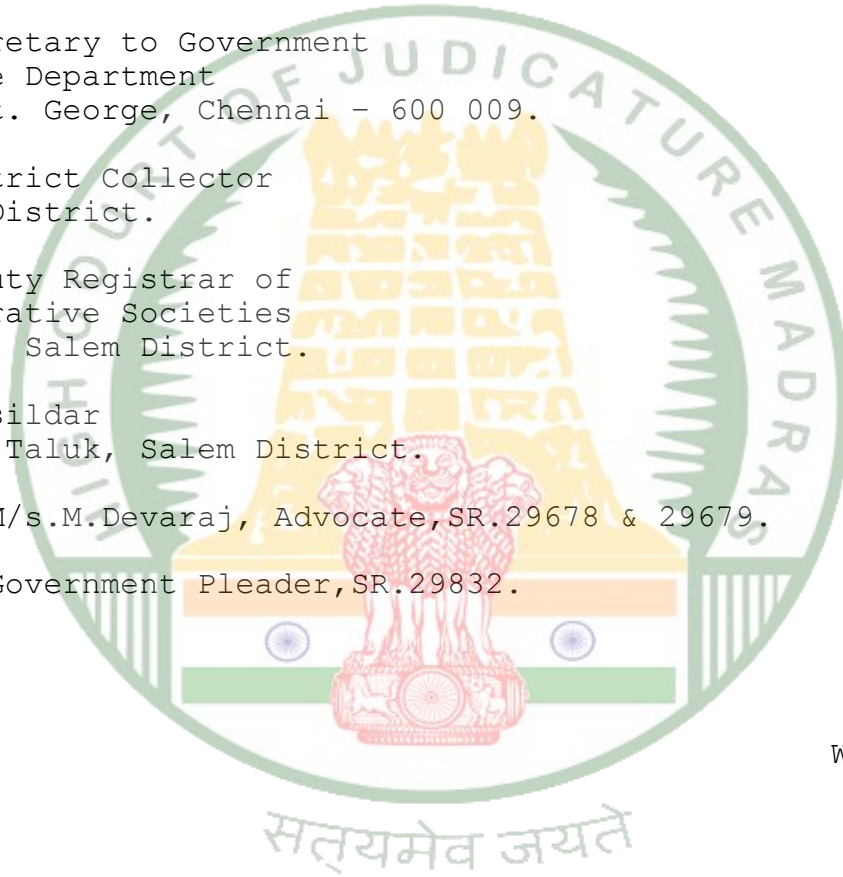
3.The Deputy Registrar of
Co-operative Societies
Omalur, Salem District.

4.The Tahsildar
Omalur Taluk, Salem District.

+2 cc to M/s.M.Devaraj, Advocate,SR.29678 & 29679.

+1 cc to Government Pleader,SR.29832.

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