

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25-06-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.18379 OF 2015

1.G.Nandhakumar

2.Sathyaseelan

... Petitioners

-vs-

1. The Secretary to Government,
Prohibition and Excise Department,
Fort St.George,
Chennai-600 009.

2. The District Collector,
Tiruppur District,
Tiruppur.

3. The District Revenue Officer,
Tiruppur,
Tiruppur District.

4. The Revenue Divisional Officer,
Dharapuram,
Tiruppur District.

5. The Tahsildar,
Dharapuram Taluk,
Dharapuram,
Tiruppur District.

6. The Divisional Excise Officer,
Divisional Excise Office,
Taluk Office Compound,
Dharapuram,
Tiruppur District.

... Respondents

Writ Petition has been filed praying for issuance of a writ of mandamus, directing the second respondent to change over the revenue records by deleting the government name and insert the petitioners name in so far as it relates to 27.54 acres of land situated in Old S.F.Nos.54,55 and 94 and subsequently made in Sub

Division No.as S.F.Nos.54/2,55/2,94/1,94/2 and 94/3, Kalipalayam Village, Dharapuram Taluk, by disposing the written representation made by the petitioner on 20.01.2015, within a stipulated time.

For petitioner : Mr.C.Prakasam

For respondents : Mr.RM.Muthukumar,
Government Advocate.

O R D E R

By consent, the Writ Petition is taken up for disposal.

2. According to the petitioners, they participated in a public auction of toddy for shop No.47/81-82, conducted by the Government, wherein they emerged as the successful bidders, and, since they failed to pay the necessary fees, action was initiated under Revenue Recovery Act and the land of the petitioners at Kalipalayam Village, Dharapuram Taluk, in Survey Nos.54,55 and 94, admeasuring an extent of 27.54 acres, was brought to sale. The petitioners would further state that since nobody was prepared to buy the land, the Government, in terms of G.O.Ms.No.120, Prohibition and Excise Department, dated 17.06.2003, took the land to itself, by paying a sum of 10 paise. It is the further case of the petitioners, that, subsequently, the petitioners paid the entire amount and prayed for return of the lands, to which, the District Collector of Tiruppur District also made a positive recommendation and sent a proposal to the Commissioner of Land Administration to accord necessary permission for return of the land, and, since no orders have been passed, the petitioners have come forward to file this Writ Petition.

3. Heard the submissions of Mr.C.Prakasam, learned counsel for the petitioner; and Mr.RM.Muthukumar, learned Government Advocate, who took notice on behalf of the respondents.

4. Though the petitioners have prayed for a larger relief, this Court, without going into the merits of the claim projected by them, directs the Principal Secretary and Commissioner of Land Administration, Ezhilagam, Chempauk, Chennai-5, to respond to the proposal made by the District Collector of Tiruppur in Na.Ka.No.4805/2009/Kalal-2, dated 26.02.2015 and 18.05.2015, and communicate the decision taken to the second respondent within four weeks from the date of receipt of a copy of this order, and the second respondent, thereafter, shall take appropriate decision in accordance with law within a further period of four weeks and communicate the decision to the petitioners.

5. Writ Petition is disposed of accordingly. No costs.
Consequently, the connected M.P.No.1 of 2015 is closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

dixit

To

1. The Secretary to Government,
Prohibition and Excise Department,
Fort St.George,
Chennai-600 009.
2. The District Collector,
Tiruppur District,
Tiruppur.
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Tiruppur,
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Dharapuram, Tiruppur District.
6. The Divisional Excise Officer,
Divisional Excise Office,
Taluk Office Compound,
Dharapuram, Tiruppur District.

Copy TO : The Principal Secretary and Commissioner of
Land Administration,
Chepauk, Chennai-600 005.

+1cc to M/s.C.Prakasam, Advocate, S.R.No.31847
+1cc to the Government Pleader, S.R.No.31451

W.P.Nos.18379/2015

CA(CO)
CA(10/07/2015)