

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2015

C O R A M

THE HON'BLE MR. JUSTICE M.SATHYANARAYANAN

W.P. No.19357 of 2015

and M.P.No.1 of 2015

M.K.Kandaswamy

...

Petitioner

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
Omalur
Salem District.
4. The Tahsildar
Omalur Taluk
Salem District. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondents to consider the application dated 20.04.2015 for grant of patta in respect of 4 acres of land in S.Nos.431/4 and 445/1, Kanavoiputhur Village as per the orders issued in G.O.Ms.No.255 dated 2/11/1993 Adidravida and Tribal Welfare Department.

For petitioner : Mr.M.Devaraj

For respondents : Mr.R.A.S.Senthilvel
AGP for R1, 2 and 4
Mr.L.P.Shanmugasundaram,
Spl.G.P (Co-operative) for R3

O R D E R

By consent, the writ petition is taken up for final disposal at the admission stage.

2. The petitioner would state that a vast extent of barren lands were allotted to poor persons by the Government through the Land Colonisation Co-operative Society. One such society was established in Kanavoiputhur Village known as Kanavoiputhur Land Colonisation Co-operative Society and was registered on 15.12.1938 and the said Society had 174 members and subsequently, the said Society was dissolved and 5 acres of land was allotted to each of its members. The petitioner was one of the members in the said society and he was allotted land measuring an extent of 4 acres in S.No.431/4 and 445/1, Kanavoiputhur Village, Omalur Taluk, Salem District. The petitioner would claim that he was cultivating in the said land. The grievance of the petitioner is that even after the winding up of the Society, the lands continue to stand in the name of the Society. The petitioner further stated that the Government had issued G.O.Ms.No.255, Adi Dravidar and Tribal Welfare Department dated 02.11.1993 to assign the lands under the possession of various Society to individual members, in principle and with a further direction that the grant of lands already made in favour of the Societies will be cancelled and handed over to the Revenue Department and if the members are in physical possession of the lands, they would be assigned 3 acres of land. The petitioner, in this regard, submitted various representations to the Government and last such representation was given on 20.04.2015 to the 2nd and 4th respondents. Since he has not favoured with any kind of response, he has come forward with this writ petition.

3. Learned counsel for the petitioner invited the attention of the Court to the memo of the 4th respondent dated 18.8.2010 and would submit that necessary proposal have been forwarded to the government for change of classification and then only he can pass orders.

4. Heard, the submission of the learned counsel for the petitioner and Mr.R.A.S.Senthilvel, learned Additional Government Pleader who accepts notice on behalf of respondents 1, 2 and 4 and Mr.L.P.Shanmugasundaram, learned Special Government Pleader (Co-operative Society) who accepts notice on behalf of the 3rd respondent.

5. This Court, taking into consideration, the limited scope of the prayer sought for by the petitioner, without going into

the merits of the case, directs the first respondent to take a decision in the conversion of land which were originally allotted to Kanavoiputhur Land Colonisation Co-operative Society and communicate the same to the 4th respondent and on receipt of the same, the 4th respondent is directed to consider the representation dated 20.04.2015 on merits and in accordance with law, after putting on notice to the persons concerned and pass orders as expeditiously as possible within twelve weeks from the date of receipt of communication from the first respondent. Accordingly, the writ petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

vsi

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.

+1cc to Mr.M.Devaraj Advocate sr.no.33069
+1cc to Government pleader sr.no.33351.

W.P.No.19357 of 2015

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srg 28.07