

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2015

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THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.NO.14810 OF 2014

Jawahorunnissa

.. Petitioner

Versus

1. Secretary to Government,
Adi Dravidar and Tribunal Welfare Department,
Chennai - 600 009.
2. The Collector of Cuddalore District,
Cuddalore.
3. District Adi Dravidar and
Schedule Tribe Welfare Officer,
Cuddalore,
Cuddalore District.
4. The Special Thasildar,
Adi Dravidar Welfare,
Cuddalore,
Cuddalore District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the respondents to re-transfer patta in favour of the petitioner for the property measuring 2.53.5 Hects in S.No.282 at Agaram East Madura, Pallineerodai Village, Kurinjipadi Taluk, Cuddalore District as per orders in WP.No.3148 of 2002.

For Petitioner : Ms.S.R.Sumathy

For Respondents : Mr.V.Jayaprakash Narayanan
Special Govt. Pleader

O R D E R

Heard Ms.S.R.Sumathy, learned counsel for the petitioner and Mr.V.Jayaprakash Narayana, learned Sepcial Government Pleader for the respondents.

2. The petitioner seeks for a writ of Mandamus directing the respondents to re-transfer patta in her for the property measuring 2.53.5 Hects in S.No.282 at Agaram East Madura, Pallineerodai Village, Kurinjipadi Taluk, Cuddalore District, as per orders in WP.No.3148 of 2002.

3. The petitioner owns the lands in R.S.No.282 measuring 2.53.5 hecets. She claims that she is a deserted lady and she developed the lands and a Fish Farm and also planted and raised 500 coconut trees. The said lands were acquired in the year 1993. She offered to give alternative site in the place of her lands in R.S.No.282. But the same was rejected by the authorities. She challenged the same before this Court in W.P.No.3148 of 2002 and this Court while disposing the writ petition on 02.12.2011 directed the third respondent therein to intimate the outcome of the order passed by the first respondent herein to retransfer the lands and expeditiously follow up the matter, so that patta can be re-transferred in the name of the petitioner. She made several representations to the authorities in this regard and on 04.03.2014, she filed another detailed representation to the respondents. Since no order is passed on the said representations, she has filed this writ petition.

4. From the counter-affidavit filed by the respondents third respondent, it is seen that the fourth respondent has recommended for transfer of patta to be effected in favour of the writ petitioner. The relevant portion of the counter-affidavit reads as follows :

"4. Hence, the total extent acquired is 0.84.5 Ares. The possession of the aforementioned properties measuring 0.84.5 Ares were also handed over to the District Adi Dravidar Officer, Cuddalore. The second respondent herein acquired the above properties and passed proceedings No.W2/77300/06 dated 19.04.2010. Already proposal was sent to the Government on 03.08.2013 in W2/53368/2000 and till date it is pending before the Government. Further, through proceedings No.W2/53368/00 dated 12.06.2008 of this office, it was recommended that transfer of patta for 2.53.5 hectares of land can be effected in favour of the Writ Petitioner."

5. In the light of the above facts, there will be a direction to the fourth respondent to consider the representation of the petitioner dated 04.03.2014 and pass orders effecting change of patta in the name of the petitioner within a period of three months from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Adi Dravidar and Tribunal Welfare Department,
Govt. of Tamil Nadu,
Fort St. George,
Chennai - 600 009.
2. The District Collector,
Cuddalore District,
Cuddalore.
3. The District Adi Dravidar and
Schedule Tribe Welfare Officer,
Cuddalore,
Cuddalore District.
4. The Special Thasildar,
Adi Dravidar Welfare,
Cuddalore,
Cuddalore District.

1 cc to Ms.S.R.Sumathy, Advocate, SR.No.6874

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PPA(CO)
PMK.25.2.2015

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