IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.24252 of 2015

1.E.Kandasamy
2.K.Thilagam .. Petitioners

Vs.

1.The State of Tamil Nadu,
Rep by the Chief Secretary,
Physically Challenged Persons Welfare Dept.,
Fort St.George,
Chennai-600 009.

2.The State of Tamil Nadu,
Rep by its Secretary,
Social Welfare and Noon Meal Scheme Dept.,
Fort St.George,
Chennai-600 009.

3.The Additional Principal Secretary -cum-
Commissioner of Land Administration,
Chepauk,
Chennai-600 005.

4.The State Commissioner for Physically
Challenged Persons,
Chennai.

5.The District Collector,
Salem District,
Salem.

6.The Executive Officer,
Government Rehabilitation Centre,
Deviyakurichi,
Salem District. .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 and 2 to forthwith consider and pass orders on the representation of the petitioner dated 01.07.2015 for implementing the recommendations of the Additional Principal Secretary-cum-Commissioner for Land Administration dated 28.04.2014.

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For Petitioners : Mr.K.Selvaraj

For Respondents : Mr.S.V.Duraisolaimalai
Additional Govt. Pleader

O R D E R

By consent, this writ petition is taken up for final disposal.

2. The petitioners claim to be absolute owners of the land measuring 3,686 Sq.Ft. comprised in (i) S.No.5/1A situated at Mummudi Village, (ii) the lands measuring 6,985 Sq.Ft. comprised in S.No.5/3A, situated at Mummudi Village and (iii) the lands measuring 2,686 Sq.Ft. comprised in S.No.54/2, (iv) the lands measuring 6,448 Sq.Ft. in S.No.1/1A, (v) the lands measuring 3,224 Sq.Ft. situated at Deviyakurichi Village, Salem District. It is further stated by the petitioners that there exists Government Rehabilitation Centre at Deviyakurichi Village, situated near 'Vasishta River Bank' and water from the said river bank is taken through pipeline beneath the western side of the petitioners property and as on date, the officials in the Rehabilitation Centre are using the petitioners land to reach the well to attend repairs to the electrical motor and to carryout other works to ensure free flow of water from the well to the said Rehabilitation center. The petitioner submitted a representation dated 19.02.2007 to the Executive Officer, Government Rehabilitation Centre, Deviyakurichi, Attur Taluk, Salem District requesting the authorities to acquire their lands and it was also positively considered and the Additional Chief Secretary cum Commissioner for Revenue Administration, vide letter No.J1/32341/09 dated 28.04.2014, has requested the first respondent to consider the request of the petitioners favourably and also made a positive recommendation. The grievance expressed by the petitioners is that inspite of positive recommendation and further that the petitioners have also decided to part with their lands, the first respondent has not passed any orders and in this regard, the petitioners submitted a representation dated 01.07.2015 to all the respondents and since no orders are passed, came forward to file this writ petition.

3. Heard the submissions of the learned counsel appearing for the petitioners and Mr.S.V.Duraisolaimalai, learned Additional Government Pleader, who accepts notice for the respondents.

4. This Court, taking into consideration the above facts and circumstances, directs the respondents 1 and 2 to consider and dispose of the petitioners' representation dated 01.07.2015 by taking into consideration the recommendation made by the third respondent, vide proceedings dated 28.04.2014 and pass orders in accordance with law within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

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5. This Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

jvm

To
1.The Chief Secretary,
State of Tamil Nadu,
Physically Challenged Persons Welfare Dept.,
Fort St.George, Chennai-600 009.

2.The Secretary,
State of Tamil Nadu,
Social Welfare and Noon Meal Scheme Dept.,
Fort St.George, Chennai-600 009.

3.The Additional Principal Secretary -cum-
Commissioner of Land Administration,
Chepauk, Chennai-600 005.

4.The State Commissioner for Physically Challenged Persons,
Chennai.

5.The District Collector,
Salem District, Salem.

6.The Executive Officer,
Government Rehabilitation Centre,
Deviyakurichi, Salem District.

1 cc to Mr. K.Selvaraj, Advocate Sr.No.41422
1 cc to Government Pleader.Sr.No.41239

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