

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2015

CORAM

THE HON'BLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.34482 of 2015

D.Selvaraj

... PETITIONER

Vs

1. The Secretary to Government
of Tamil Nadu
Home Department
Fort St.George, Chennai-600 009.
2. The Secretary to Government
of Tamil Nadu
Revenue Department
Fort St. George,
Chennai-600 009.
3. The District Collector
Vellore District,
Vellore-632 009.
4. The Revenue Divisional Officer
Vellore District,
Vellore-632 009.

... RESPONDENTS

Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the Respondents herein to consider and pass orders on the Petitioners Representation dated 15.9.2015 by fixing a time limit.

For Petitioner : Mr.M.S.Subramanian

For Respondents : Mr.R.Vijayakumar
Additional Government Pleader

O R D E R

By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2. Heard Mr.R.Subramanian, learned Counsel appearing for the petitioners and Mr.R.Rajeswaran, learned Additional Government Pleader appearing for the respondents.

3.It is very unfortunate that the petitioner has filed this Writ Petition to implement the earlier order passed by this Court in W.P.No.1075 of 2008, which was disposed of by an order dated 11.01.2008.

4.The petitioner along with 11 others in the said case sought for a direction to forbear the respondents from in any way, defacing, altering the lands of an extent of Acre 1.02 in S.No.36/1, Acre 1.00 in S.No.37/2, and Acre 0.77 cents in S.No.41/2 in all to an extent of Acre 2.79 cents in Thorapadi Village, Vellore Taluk pending disposal of the petitioners representation dated 20.02.2006.

5.The said Writ Petition was disposed of by directing the second respondent to consider the representation dated 20.2.2006, on merits and in accordance with law. In spite of the order having been communicated to the second respondent, till date the second respondent has not complied with the order.

6.The learned Additional Government Pleader appearing for the respondents submits that the second respondent is the Secretary to Government of Tamil Nadu, Revenue Department, whereas the Housing and Urban and Development Department alone has been made as party.

7.The purpose for which the land was acquired is for construction of a Jail. Therefore, the requisitioning body should be the Home Department. It is stated that the very acquisition was made in 1943 and till date, the land remained unutilised.

8.In the light of the above, there will be a direction to the first respondent to consider the petitioner's representation and if some other Department is the competent authority to consider the application for recognising, then the first

respondent with their appropriate officials may forward the petitioner's representation to the concerned Department. On the other hand, if the first respondent is the authority for whom the land has been acquired, then the first respondent shall consider the representation dated 15.09.2015 and afford an opportunity of personal hearing to the petitioner, with liberty to appear through an authorised representative and thereafter pass a reasoned order on merits and in accordance with law and communicate the same to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

rpa
To

Sub Assistant Registrar

1. The Secretary to Government of Tamil Nadu
Home Department
Fort St.George, Chennai-600 009.
2. The Secretary to Government of Tamil Nadu
Revenue Department
Fort St. George,
Chennai-600 009.
3. The District Collector
Vellore District,
Vellore-632 009.
4. The Revenue Divisional Officer
Vellore District,
Vellore-632 009.

+3cc's to Mr.M.S.Subramanian, Advocate, S.R.No.64272 & 64455
+1cc to the Government Pleader, S.R.No.64580

W.P.No.34482 of 2015

RSK(CO)
CA(15/12/2015)