

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.3883 of 2015

and

M.P.No.1 of 2015

- 1.Mallika
- 2.Lakshmi
- 3.Kamala
- 4.Sagunthala
- 5.Pallavi
- 6.Madhammal
- 7.Chinnaponnu
- 8.Jayaraman
- 9.Eswari

...Petitioners

Vs

1. State of Tamilnadu,
rep. By its Principal Secretary
Revenue Department,
Fort St.George, Chennai - 9
2. The District Collector,
Salem District, Salem.
3. The Revenue Divisional Officer,
Mettur Revenue Division,
Mettur Dam, Salem District
4. The Tahsildar,
Omalur Taluk, Omalur,
Salem District
5. The President,
Kundakkal Village Panchayat
Omalur Taluk,
Salem District

...Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the 4th and 5th respondents and their subordinates from interfering into petitioners' peaceful possession and enjoyment of property (house) in Survey No.90/1, an extent of 3 cents in Kundakkal Village, Mettur Taluk, Salem District and consequently direct the respondents to issue house site patta to the petitioners (an extent of 3 cents) under the special scheme of the 1st respondent within a stipulated period.

For Petitioners : Mr.M.R.Jothimanian

For Respondents : Mr.V.Jayaprakash Narayanan
Special Government Pleader
for R1 to R4

Mr.E.Manikandan for R5

O R D E R

Heard Mr.M.R.Jothimanian, learned counsel appearing for the petitioner and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader appearing for first to fourth respondents and Mr.E.Manikandan, learned counsel for 5th respondent.

2. The petitioners in this petition are nine in number and it is submitted that they and their family members are living in the said land for several decades and each is in occupation of about three cents and they have obtained electricity connection and had also been remitted kisth to the 5th respondent. The petitioners would state that they all are persons, who are living below the poverty line and they have no other immovable property. Therefore, by relying upon G.O.Ms.No.854 of 2006 Revenue Department dated 30.12.2006 and G.O.Ms.No.142 dated 23.05.2013, the petitioners have made request for grant of patta. The petitioners have submitted a representation dated 29.01.2015 sent by registered post and received by the respondents on 02.02.2015.

3.The learned Special Government Pleader appearing for the respondents submitted that individual application have to be made by each of the petitioners enclosing the records to establish that they are in possession of the property for several decades and proof of possession has to be enclosed and if the same is done, the 4th respondent will consider their request in accordance with law.

4.In the light of the above facts and circumstances , there shall be a direction to the petitioners to submit individual

application along with the copy of this order enclosing the proof to show that they are in possession of the property and also make a declaration that they do not own any patta lands and if such individual application is made, the 4th respondent is directed to consider the same in the light of the Government orders and pass appropriate orders on merits and in accordance with law within a period of four months from the date on which individual applications are submitted. If the petitioners are in possession as on date, then, the status quo with regard to the possession shall be maintained till then.

With the above direction, this Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

ssd

To

1. The Principal Secretary
to the Government of Tamilnadu,
Revenue Department,
Fort St.George, Chennai - 9
2. The District Collector,
Salem District, Salem.
3. The Revenue Divisional Officer,
Mettur Revenue Division,
Mettur Dam, Salem District
4. The Tahsildar,
Omalur Taluk, Omalur,
Salem District

5. The President,
Kundakkal Village Panchayat
Omalur Taluk,
Salem District

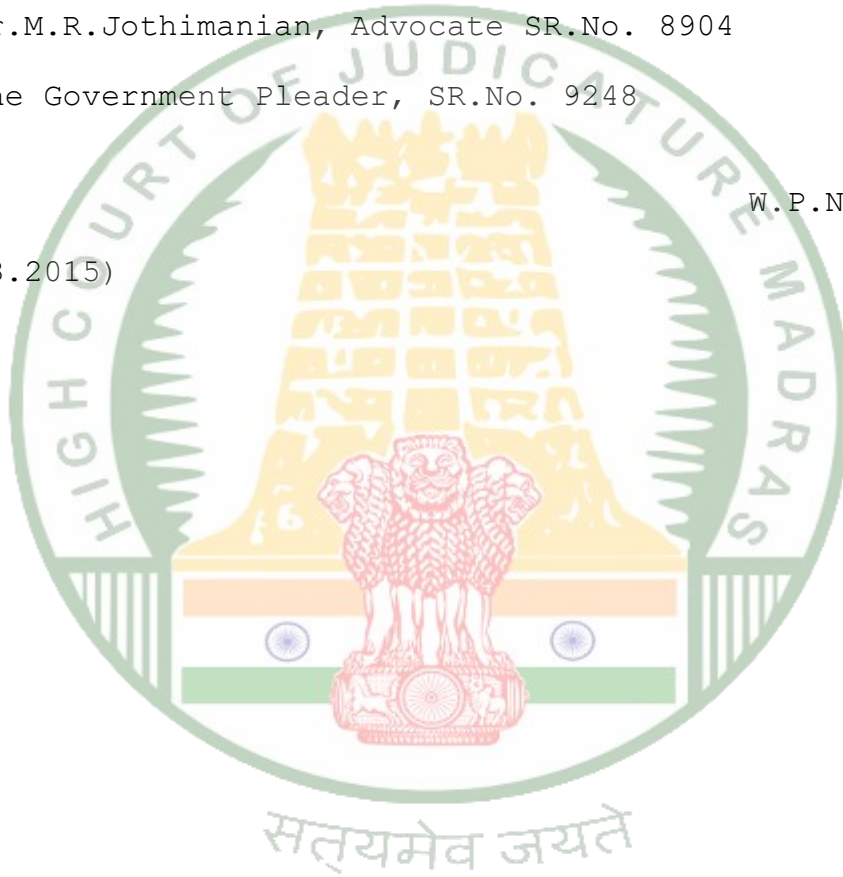
1 CC to Mr.E.Manikandan, Advocate SR.No. 8938

1 CC to Mr.M.R.Jothimanian, Advocate SR.No. 8904

1 CC to the Government Pleader, SR.No. 9248

ALA (CO)
PSI (02.03.2015)

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