

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2015

Coram

The Hon'ble Mr. Justice M.DURAISWAMY

W.P.No.5345 of 2015

and

M.P.No.1 of 2015

A.Marimuthu .. Petitioner

Vs.

1.Government of Tamil Nadu,
Rep.by its Chief Secretary to Government,
Secretariat, Fort George,
Chennai-600 009

2.Mr.C.Radhakrishnan

3.The Special Tahsildar,
Adi-Dravida Welfare,
Thiruvallur Taluk,
Thiruvallur District

4.The District Collector,
Collectorate at Tiruvallur,
Tiruvallur District

... Respondents

Petition filed under Article 226 of the Constitution of India
praying to issue a writ of mandamus to direct the fourth respondent
to dispose of the petitioner's representation dated 7.10.2014.

For Petitioner .. Mr.R.Karunakaran

For Respondents .. Mr.RM.Muthukumar,G.A.

ORDER

The petitioner has filed the above writ petition seeking
a writ of mandamus to direct the fourth respondent to dispose of
the petitioner's representation dated 7.10.2014.

2. According to the petitioner, he entered into an
agreement of sale dated 22.08.1989, with the second respondent for
purchase of the properties in S.No.59/1C, measuring an extent of

2.62 cents, situated in No.17, Movur Village, Tiruvallur Taluk. According to the petitioner, he was put in possession of the properties on the date of sale agreement. The third respondent initiated acquisition proceedings, on 24.07.1999. According to the petitioner, he has raised 200 mango trees in the said land. He has also filed a civil suit in O.S.No.203 of 1999 for permanent injunction and the same was dismissed, on 11.08.2011, against which, he preferred an appeal in A.S.No.5 of 2012 on the file of the Sub Court, Thiruvallur and the same is pending. The petitioner also submitted a representation dated 31.07.2014 to the fourth respondent, which is also pending.

3. In the affidavit filed in support of the writ petition, the petitioner has stated that he is not intending to question the legality of the land acquisition, but is only claiming compensation for the well developed 200 mango trees in the land. For this purpose, he has given a representation before the fourth respondent on 7.10.2014, however, the same was not considered by the fourth respondent till date.

4. Mr.RM.Muthukumar, learned Government Advocate takes notice for the respondents and submitted that the fourth respondent may be directed to consider the representation of the petitioner on merits and in accordance with law, within a stipulated time.

5. Having regard to the submissions made by the learned counsel on either side and taking into account the limited prayer sought for in the writ petition, without expressing any opinion with regard to the merits of the case, I direct the fourth respondent to consider the representation of the petitioner, dated 7.10.2014 and dispose of the same on merits and in accordance with law. It is open to the petitioner to produce all the title documents before the fourth respondent within one week from the date of receipt of a copy of this order. On production of such documents, the fourth respondent is directed to dispose of the representation of the petitioner, dated 7.10.2014, on merits and in accordance with law, within a period of four weeks thereafter.

6. The writ petition is disposed of accordingly. No costs. Connected miscellaneous petition is closed.

Sd/-
Deputy Registrar (Judicial)

/true copy/

Sub Asst. Registrar

msk

To

1. The Chief Secretary to Government,
Government of Tamil Nadu,
Secretariat, Fort George,
Chennai-600 009

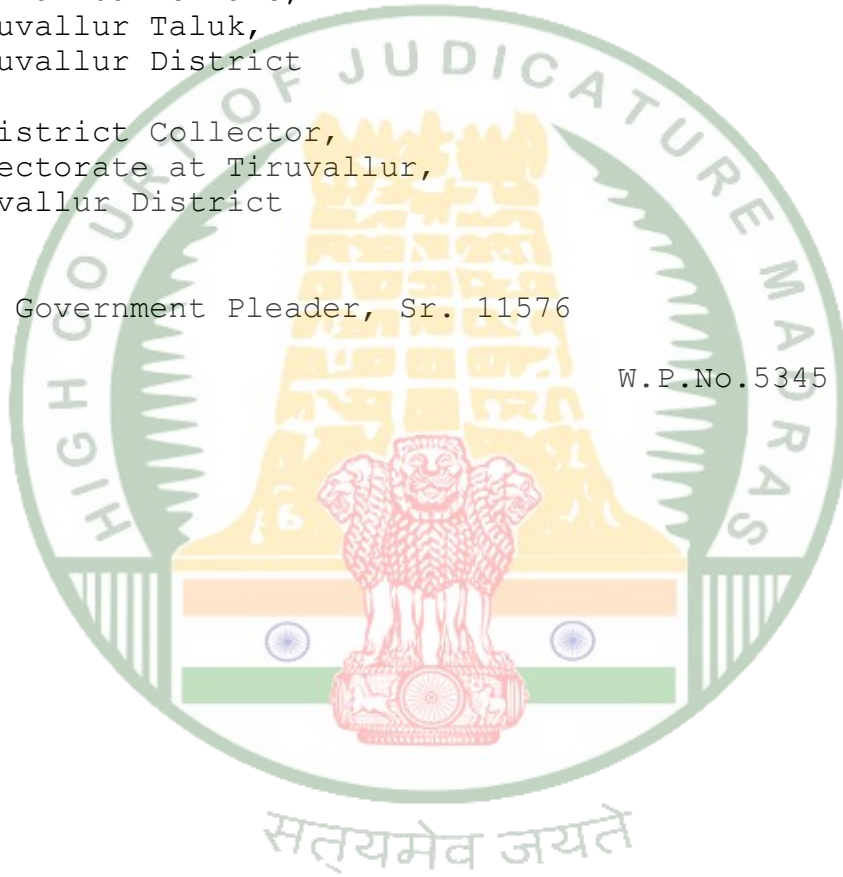
2. The Special Tahsildar,
Adi-Dravida Welfare,
Thiruvallur Taluk,
Thiruvallur District

3. The District Collector,
Collectorate at Tiruvallur,
Tiruvallur District

1 cc to Government Pleader, Sr. 11576

W.P.No.5345 of 2015

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