

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.8334 of 2015

And

M.P.No.1 of 2015

Parimala Devi

... Petitioner

Vs.

1.The Principal Secretary to Government,
Adi Dravidar Welfare Department,
Fort St.George,
Secretariat,
Chennai - 600 009.

2.The District Collector,
Collector Office,
Erode - 11,
Erode District.

3.The Special Tahsildar
Adi Dravidar Welfare
Erode,
Erode District.

... Respondents

Prayer: Petition filed under section 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to issue free patta to the petitioner in the land acquired in Survey No.390/17 and 390/18 in Poondhurai Semur Village, Erode Taluk and District as per the recommendations of the third respondent dated 13.09.2010.

For Petitioner

: Mr.Durai Gunasekaran

For Respondents

: Mr.R.A.S.Senthilvel

Additional Government Pleader

O R D E R

Heard Mr.Durai Gunasekaran, learned counsel appearing for the petitioner and Mr.R.A.S.Senthilvel, learned Additional Government Pleader appearing for the respondents.

2.Petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the second respondent to issue free patta to the petitioner in the land acquired in Survey No.390/17 and 390/18 in Poondhurai Semur Village, Erode Taluk and District as per the recommendations of the third respondent dated 13.09.2010.

3.Petitioner has filed this petition for grant of patta on the ground she is a landless poor. The third respondent by proceedings dated 13.09.2010 recommended for grant of patta. Since no action was taken pursuant to the said recommendation, the petitioner approached this Court and filed writ petition in W.P.No.15108 of 2011 and the said writ petition was disposed of by the order dated 29.06.2011 by issuing the following direction:

"3.Considering the facts and circumstances of the case, without expressing any opinion on the merits of the matter, the first respondent-District Collector is directed to consider the representation of the petitioner dated 20.06.2011 for the purpose of issuance of patta for the remaining 18 beneficiaries, including the petitioner herein, and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. This writ petition is disposed of accordingly. No costs."

4.The petitioner would state that though such a direction was issued, till date no patta has been granted. Therefore, petitioner is before this Court for the aforementioned relief.

5.If the submission made by the petitioner is factually correct and if there is recommendation in favour of the petitioner and others dated 13.09.2010, then the respondents are guilty of having committed contempt of the order passed by this Court, since the direction issued in the earlier writ petition in W.P.No.15108 of 2011 dated 29.06.2011 referred to supra has not been obeyed. However, the petitioner has not approached this Court for punishing the respondent, but she request for grant of patta in the light of the recommendation of the third respondent dated 13.09.2010.

6.In the light of the above, the second respondent is directed to consider the petitioner's plea by taking note of the recommendation of the third respondent dated 13.09.2010, and the earlier order of this Court referred supra and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. The writ petition is disposed of with the above observations. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

pri

To

- 1.The Principal Secretary to Government,
Adi Dravidar Welfare Department,
Fort St.George,
Secretariat,
Chennai - 600 009.
- 2.The District Collector,
Collector Office,
Erode - 11,
Erode District.
- 3.The Special Tahsildar
Adi Dravidar Welfare
Erode, Erode District.

1 cc to M/s. Selvam, Advocate, Sr. 16803
1 cc to Government Pleader, Sr. 16650

W.P.No.8334 of 2015
And
M.P.No.1 of 2015

GP (CO)
kk 7/4