



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.10.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P. (MD) No.18145 of 2015

P. Rajagiri

... Petitioner

Vs.

The District Adhi Diravidar Welfare Officer,
Adhi Diravidar Welfare Department,
Office of the District Collector,
Sivagangai,
Sivagangai District.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to consider the petitioner's representation dated 16.07.2015 within the time frame fixed by this Court.

For Petitioner ... Mr. C. Sundaravadivel

For Respondents ... Mr. S. Kumar

Additional Government Pleader

ORDER

The writ petition has been filed praying for issuance of a Writ of Mandamus directing the respondent to consider the petitioner's representation, dated 16.07.2015, within a stipulated period of time.

2. According to the petitioner, the property bearing S.No.374/5 measuring to an extent of 60 Cents, situated at Koomatchipatty Village, Sembanur Group, Sivagangai District belonged to his adopted father one Athipalaniappan @ Subbiah and Vedhamuthu, which are their ancestral property. After the death of the petitioner's adopted father viz., Athipalaniappan @ Subbiah, the petitioner inherited the property as his adopted son. While so, the people belonging to Adi Dravidar community in Koomatchipatti Village approached the petitioner and informed that they do not have any burial ground in general for them and requested the petitioner to give some lands to them, to use it as burial ground. Agreeing to the same, the petitioner gave 10 cents of land in S.No.374/5 at Koomatchipatty village, by way of registered sale deed, dated 22.10.2010, bearing Document No.1963 of 2010, at the office of the Sub-Registrar, Madhagupatti to and in favour of the Government of Tamil Nadu represented by respondent herein, to use the land for the purpose of burial ground for Adhi Dravidar people.

3. Normally, whenever the land is donated to the Government for public purposes, the Government used to issue certificate regarding the gift made. But, the respondent did not issue certificate to the petitioner. Hence, the petitioner has made a representation, dated



16.07.2015 and requested to issue certificate to him. But, the respondent did not pass any order on the representation of the petitioner. In such circumstances, the petitioner has filed a present writ petition for the relief stated supra.

4. Heard the submissions made by the learned counsels on either side and perused the materials on record.

5. Considering the submissions made by the learned counsels on either side, without going into the merits of the averments made in the writ petition, this Court is constrained to pass the following order:

The respondent is directed to consider the representation of the petitioner, dated 16.07.2015 and pass appropriate orders, after affording an opportunity of hearing to the petitioner, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition is disposed of. It is made clear that this Court has not expressed any opinion with regard to merits of the case. No costs.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

The District Adhi Diravidar Welfare Officer,
Adhi Diravidar Welfare Department,
Office of the District Collector,
Sivagangai,
Sivagangai District.

+1cc to Mr.C.Sundaravadivel, Advocate SR.No. 59164

+1cc to The Special Government Pleader, Madurai. SR.No.59344

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07.10.2015

trp

NS/JGB/15.10.2015 : 2P/4C