



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.10.2015

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

WEB COPY

W.P. (MD) No.18552 of 2015

M. Guruvaiah

... Petitioner

Vs.

1. The Commissioner (Land Reforms)
Land Reforms Department,
Elizhagam, Chepak,
Chennai - 5

2. The District Collector,
Collectorate,
Virudhunagar,
Virudhunagar District.

3. The District Revenue Officer,
Collectorate,
Virudhunagar.

4. The Revenue Divisional Officer,
Sivakasi.

... Respondents

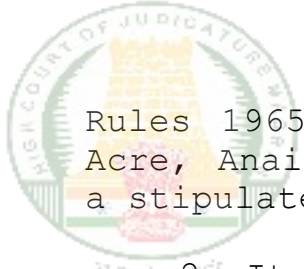
Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 and 2 herein to consider the petitioner's representation dated 15.09.2015 and pass appropriate orders within a stipulated time and correct the revenue records as per the assignment order dated 03.06.1996 under Rule 8(6) of Tamil Nadu Land Reforms (Disposal of surplus land) Rules 1965 in respect of land in S.No.1308/3 to an extent of 1 Acre, Anaiyur Village, Sathur Taluk, Virudhunagar District within a stipulated period of time.

For Petitioner ... Mr. V. Meenakshisundaram
for Mr. D. Nallathambi.

For Respondent ... Mr.S. Kumar
Additional Government Pleader

ORDER

The writ petition has been filed praying for issuance of a Writ of Mandamus directing the respondents 1 and 2 herein to consider the petitioner's representation dated 15.09.2015 and pass appropriate orders within a stipulated time and correct the revenue records as per the assignment order dated 03.06.1996 under Rule 8(6) of Tamil Nadu Land Reforms (Disposal of surplus land)



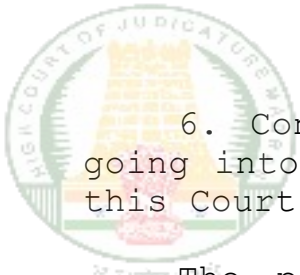
Rules 1965 in respect of land in S.No.1308/3 to an extent of 1 Acre, Anaiyur Village, Sathur Taluk, Virudhunagar District within a stipulated period of time.

2. It is averred in the affidavit that the land in S.No.989/2 to an extent of 2.10. Acres and S.No.1380/3 to an extent of 10.79 Acres, Anaiyur Village, Sathur Taluk, Virudhunagar District was owned by Sivakasi National Fire Works and the same was taken over as surplus lands, by the Government under Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act 1961, after following due process of law. Thereafter, the surplus land was notified by the Government in G.O.No.291 dated 21.03.1995. For disposal of surplus land, an officer was appointed by the Government under Tamil Nadu Land Reforms (Disposal of surplus land) Rules 1965 and many people have applied and participated in the enquiry. After following due process of law, the petitioner was allotted 1 Acre of land in S.No.1380/3, Anaiyur Village Sathur Taluk, Virudhunagar District under Rule (6) of Tamil Nadu Land Reforms (Disposal of Surplus Land) Rules 1965 and he has also paid considerable amount to the Government and the receipt was also issued to that effect. All the revenue records such as Adangal and "A" register were mutated in his name and the title deed is also in his favour. While so, the above said lands including the land in S.No.1380/3 to an extent of 1 Acre, Anaiyur Village, Sathur Taluk, Virudhunagar District was corrected in favour of Sivakasi National Fire Works without any enquiry and in violation of principle of natural justice behind their back.

3. The records pertaining to the change of revenue records are not available in the office of the respondents when it was enquired under Right to Information Act through their counsel. He further stated that the change of revenue records by the respondents in favour of Sivakasi National Fire Works, as against the proceedings of the Assistant Commissioner (Land Reforms) dated 28.10.1995 and the assignment, order dated 03.06.1996, under Rule 8(6) of Tamil Nadu Land Reforms (Disposal of Surplus Land) Rules 1965 are against law and therefore, he made a representation dated 15.09.2015 to the respondents. But, the respondents have not taken any steps so far. Hence, the petitioner has filed the present Writ Petition for the relief stated supra.

4. The learned counsel for the petitioner requested this Court that a direction may be given to the third respondent to correct the revenue records, as per the assignment order dated 03.06.1996 under Rule 8(6) of Tamil Nadu Land Reforms (Disposal of Surplus land) Rules 1965, in respect of the petitioner's land in S.No.1380/3.

5. The learned counsel for the respondents have perused the submissions made on either side and carefully perused the materials available on record.



6. Considering the submissions made 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 petitioner is directed to give a fresh representation along with a copy of the assignment order dated 03.06.1996 within a period of one week from the date of receipt of a copy of this order to the third respondent. On receipt of such representation, the third respondent is directed to consider and pass appropriate orders, after affording an opportunity of hearing to all the necessary parties, on merits and in accordance with law, within a period of eight weeks thereafter.

7. The writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

trp

To

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3. The District Revenue Officer,
Collectorate,
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Sivakasi.

+1cc to Mr.D.Nallathambi, Advocate SR NO.60571

+1cc to Special Government Pleader SR NO.60481

W.P. (MD) No.18552 of 2015

12.10.2015

rg.20.10.2015/NGM/SS/SAR-I 3P/7C.