

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.12114 of 2016

P.Kaandeepan

... Petitioner

Vs.

1. The District Collector,
Collector Office,
Cuddalore District.
2. The Tahsildar,
Taluk Office, Panruti Taluk,
Cuddalore District.
3. The Village Administrative Officer,
Muligrampattu Village,
(Vanpakkam Village)
Panruti Taluk, Cuddalore District.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents to pay compensation for the rain affected paddy field of the petitioner viz., to an extent of 6.58 acres situated in Survey Nos.14/3, 14/1, 13/3, 13/4, 94/2 in Nellikuppam Village, Panruti Taluk, Cuddalore District based on his representation dated 09.12.2015.

For Petitioner : Mr.K.Thilageswaran

For Respondents : Mr.M.Dig Vijaya Pandian,
Additional Government Pleader

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ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the respondents to pay compensation for the rain affected paddy field of the petitioner to an extent of 6.58 acres situated in Survey Nos.14/3, 14/1, 13/3, 13/4, 94/2 in Nellikuppam Village, Panruti Taluk, Cuddalore District, based on his representation dated 09.12.2015.

2. It is the case of the petitioner that he has been in possession and enjoyment of the land measuring to an extent of 13.28 acres in S.Nos.14/3, 14/1, 13/3, 13/4, 94/2 in Nellikuppam Village, Panruti Taluk, Cuddalore District from the year 2003 onwards by doing agriculture work. He purchased the said land from one Habeeb Mohammed S/o.Abdul Hameed and his relatives, after paying the entire sale consideration and he got possession along with the original documents on 10.09.2003 itself. However, the land to an extent of 3.70 acres only was registered in favour of the petitioner and the said Habeeb Mohammed was making delay to register the remaining extent of land.

3. It is the further case of the petitioner that while so, the said Habeeb Mohammed along with his wife, had filed a civil suit in O.S.No.69 of 2008 before the Additional District Judge-cum-Fast Track Court No.2, Cuddalore, for the relief of declaration and permanent injunction against the petitioner herein. After full fledged trial, the trial court, by a judgment and decree dated 29.09.2010, partly decreed the suit in favour of the plaintiffs therein by granting the relief of declaration of title and partly dismissed the suit, insofar as the relief of permanent injunction is concerned. Against the order of dismissal, the plaintiffs therein had filed an appeal in AS.No.907/2010 before this Court. The said appeal was dismissed by confirming the order of the trial court, by the judgment and decree of this Court dated 26.07.2011, against which, no further appeal was preferred. However, the said Habeeb Mohammed has filed a fresh suit in O.S.No.130 of 2015 before the District Munsif court, Panruti for recovery of possession. In the said suit, the petitioner has filed a written statement.

4. Now the grievance of the petitioner is that he cultivated paddy crops in the land in question, which was severely affected due to incessant rain in the month of November 2015. As the Government has announced compensation for the paddy field affected in the rain, he applied for the same to the third respondent. Though he was paid compensation for an extent of 3.70 acres, the third respondent refused to pay compensation for the remaining paddy fields on the ground that the said Habeeb Mohammed raised objection. In this regard, he made a representation dated 09.12.2015 to the respondents. However, till date, no order has been passed by the respondents. Therefore, the petitioner has filed the present petition for the above stated relief.

5. Heard the learned counsel for the petitioner and the learned Additional Government Pleader, who took notice for the respondents.

6. Considering the facts and circumstances of the case, this Court directs the respondents to consider the representation of the petitioner dated 09.12.2015, by affording an opportunity of personal hearing to the petitioner as well as to said Habeeb Mohammed and pass appropriate orders. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioner and it is for the respondents to pass appropriate orders purely on merits and in accordance with law. The entire exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

7. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Collector Office,
Cuddalore District.
2. The Tahsildar,
Taluk Office,
Panruti Taluk,
Cuddalore District.
3. The Village Administrative Officer,
Muligrampattu Village,
(Vanpakkam Village)
Panruti Taluk,
Cuddalore District.

+1cc to Mr.K.Thilageswaran, Advocate, S.R.No.20439
+1cc to the Government Pleader, S.R.No.20503

W.P.No.12114 of 2016

KK(CO)
CA(26/04/2016)