

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.13278 of 2016

K.Samannan

... Petitioner

vs.

1.The District Collector,
District Collectorate,
Sathuvachari,
Vellore,
Vellore District-9.

2.The District Revenue Officer,
Office of the District Revenue Officer,
Vellore District-9.

3.The Tahsildar,
Office of the Tahsildar,
Tirupathur,
Vellore 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 consider the petitioner's representation dated 16.3.2016 within a time frame as fixed by this Court.

For Petitioner : Mr.M.Senthil

For Respondents : Mr.M.Dig Vijaya Pandian,
Addl. Govt. Pleader

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondents to consider his representation dated 16.3.2016 within a time frame as fixed by this Court.

3. It is the case of the petitioner that his grandfather late Kuppusamy Gounder was in possession and enjoyment of the agricultural land in Survey No.444 measuring to an extent of 10.10 acres (4.08.5 Hectare) at Ammangkoil Village. After the demise of his grandfather, the petitioner and his brothers K.Shankar and K.Selvam along with his mother are in possession and enjoyment of the said land and they are paying the taxes for the said property. The revenue records are also standing in their name and they have been in continuous possession for the past fifty years. Hence, they made several representations to the Government authorities to assign the said land to them. Though many enquiries were conducted, so far, no order was passed. While so, the Government took action to evict them from the said agricultural land. Aggrieved over the same, a suit was filed before the District Munsif Court, Tiruppattur in O.S.No.266 of 2007 and the same was dismissed. Against the dismissal of the said suit, an appeal was preferred in A.S.No.39 of 2011 and the same was also dismissed. Subsequently, a second appeal is filed in SA SR.No.101238 of 2013 with a delay and the same is pending before this Court. The petitioner is a landless poor agricultural labourer and hence, he made several representations to the respondents to assign 3.00 acres of land, which is in his possession. Since there is no response for the said representations, finally, the petitioner made a representation dated 16.3.2016 to the respondents. But, the said representation was also not considered by the respondents till date. Hence, left with no other alternative, the petitioner has come up with the present writ petition seeking a direction to the respondents to consider his representation dated 16.3.2016 within a time frame as fixed by this Court.

4. I have heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the third respondent to consider the representation of the petitioner dated 16.3.2016 and pass appropriate orders, on merits and in accordance with law, by affording an opportunity of personal hearing to the petitioner as well as to the necessary parties, if any, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner and it is for

the third respondent to consider the claim of the petitioner strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The District Collector,
District Collectorate,
Sathuvachari,
Vellore,
Vellore District-9.
- 2.The District Revenue Officer,
Office of the District Revenue Officer,
Vellore District-9.
- 3.The Tahsildar,
Office of the Tahsildar,
Tirupathur,
Vellore District.

+1cc to Mr.M.Senthil, Advocate Sr.22542
+1cc to the Government Pleader Sr.22764

W.P.No.13278 of 2016

sr(CO)
srg(25/04/2016)

WEB COPY