

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2016

CORAM :

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 1542 of 2011
and
M.P. No. 1 of 2011

Pavayee

..Petitioner

Vs.

1. The District Collector
Salem District
Salem.

2. The Revenue Divisional Officer
Mettur Taluk
Salem District.

3. The Tahsildar
Mettur Taluk
Salem District.

4. Mathes
S/o. Arjunan
Thoramangalam Village
Mettur Taluk
Salem District.

.. Respondents

(R4 impleaded as for order of court dated 31.01.2013 made in
M.P. No 1 of 2012)

PRAYER: Writ Petition filed under Article 226 of the
Constitution of India praying for issuance of a Writ of
Mandamus, restraining the respondents from cancelling the order
of allotment in order No. 14600/ 2007 dated 29.12.2007
Thoramangalam Village, Mettur Taluk, Salem District except under
due process of law and pass further orders.

For Petitioners : Mr. A. Sundaravadhanan

For Respondents : Mr. S. Diwakar,
Spl. Govt. Pleader for R1 to R3

Mr. A. Raman for R4

O R D E R

This Writ petition has been filed seeking for a Mandamus, restraining the respondents from cancelling the order of allotment in order No. 14600/2007 dated 29.12.2007 Thoramangalam Village, Mettur Taluk, Salem District except under due process of law.

2. Brief facts of the case are as follows :-

The petitioner was allotted with land in Survey No.149/12 of an extent of 0.04.0 hectares in Thoramangalam Village, Mettur Taluk, vide order No.14600/2007 dated 29.12.2007 by the third respondent, on certain conditions, namely the petitioner can avail loan from co-operative society for creation of well and cultivation purpose, that the land should not be sold for a period of 30 years and that the petitioner should cultivate the land within one year from the date of order. Further, it was directed that if the land is not a cultivatable land, the petitioner should take steps to make the land as cultivable within a period of two years. Since it is necessary that the lands have to be changed in the name of the petitioner in the revenue records, for availing loans from Co-operative Societies, the petitioner made representation to the third respondent, seeking to issue suitable orders. Since no orders were passed on his representations dated 15.11.2008, 16.06.2009, 27.05.2010 etc., by the second and third respondents, the petitioner has come up with the present writ petition.

3. Learned counsel for the petitioner would submit that the subject land was assigned to the petitioner, on condition that the said land should be cultivated within a period of one year and if it is not a cultivatable land, the petitioner should take effective steps to make the land cultivable, within a period of two years. To avail loans from Co-operative Society for developing the land, the revenue records have to be changed in the name of the petitioner. Explaining the above facts, the petitioner submitted representations to the third respondent. Since, the same was not considered by the third respondent, the petitioner made representations to the second respondent. However, no action was taken on the representations, by both the respondents. Therefore, he was constrained to file this writ petition.

4. On instructions, learned Special Government Pleader appearing for the respondents would submit that as per Clause No.5 of the terms of the assignment order, the assignee has to cultivate within one year. But, the petitioner has violated the said condition of the assignment order and so the

order is liable to be terminated. Learned counsel further stated that the petitioner has given a false statement before the authority to obtain the said assignment order. He fairly contended that as of today, no action has been initiated by the department, for the violation of the above said conditions.

5. In the light of the submissions made by learned counsel for the petitioner as well as learned Special Government Pleader for the respondents, without expressing any opinion on the merits of the case, if at all there is any violation in the assessment order, this Court directs the respondents to initiate proceedings, after providing suitable opportunity to the petitioner, pass orders on merits and in accordance with law.

6. With the above observation, the writ petition is disposed of. Consequently, the connected Miscellaneous Petition is closed. No costs.

s/d-
Assistant Registrar (CS-III)

//True Copy//

Sub-Assistant Registrar

avr

To

1. The District Collector
Salem District
Salem.
2. The Revenue Divisional Officer
Mettur Taluk
Salem District.
3. The Tahsildar
Mettur Taluk
Salem District.

+1 CC to The Govt. Pleader vide sr 73293

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