

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.14979 of 2016

1.C.Chandran
2.C.lakshmanan
3.C.Ramar
4.C.Rajendaran
5.I.Iyyasamy
6.S.Palanisamy
7.S.Kavitha

... Petitioners

vs.

1.The State of Tamil Nadu, rep.
by its Secretary to Government,
Revenue Department,
Fort St. George, Chennai.

2.The District Collector,
Nilgiris District,
The Nilgiris.

3.The Revenue Divisional Officer,
O/o.The Revenue Divisional Office,
Coonoor Taluk,
The Nilgiris.

4.The Tahsildar,
Coonoor Taluk,
The Nilgiris.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents 2 to 4 to consider the representation dated 6.12.2015 given to the third respondent with regard to issuance of patta to the petitioners for the plots including the residential house.

For Petitioners : Ms.K.Jenitha

For Respondents : Mr.V.Jayaprakash Narayanan,
Spl. Govt. Pleader.

ORDER

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

2. The petitioners have come up with the present writ petition for a mandamus, directing the respondents 2 to 4 to consider their representation dated 6.12.2015 given to the third respondent with regard to issuance of patta to them for the plots including the residential house.

3. It is case of the petitioners that they have been living in the Terramiah Estate for the past three decades. The Terrmiah Estate is the tea plantation estate with a planted area of 1000 acres. When it was a big plantation industry, about 700 workers were employed for cultivation and production works. The petitioners' grand fathers were initially employed in the industry and thereafter, their fathers and after that, the petitioners continue to work as permanent workers in the estate for about three decades. During the employment of their grand fathers, they had been allotted with residential houses measuring to an extent of 3 cents each and they have been enjoying the same. During 1986, a partition took place in the Terramiah estate between the brothers. At that time, they had taken the patta land and left the leased land and other Natham poromboke land for lease to several persons. That being so, the management has closed the accounts of the workers and sent them out, but for the few workers like the petitioners, have been settled with the plots for their gratuity settlements. The plots along with residential house have been handed over to them and right from that date, they have been enjoying the same, by paying the electricity charges and house tax. Hence, they a made representation dated 6.12.2015 to the respondents 2 to 4 to issue patta in their favour in respect of the said plots. But, till date, the respondents 2 to 4 have not taken any action on the said representation. Hence, left with no other alternative, the petitioners have come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioners and the learned Special 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 petitioners to give a fresh representation to the fourth respondent seeking patta in their favour, along with a copy of this order, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same,

the fourth respondent is directed to conduct an enquiry on the said representation, by affording an opportunity of personal hearing to the petitioners as well as to the necessary parties, if any and pass appropriate orders / take appropriate action, on merits and in accordance with law, within a period of twelve weeks thereafter. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim projected by the petitioners and it is for the fourth respondent to consider the claim of the petitioners strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sbi

To

- 1.The Secretary to Government,
State of Tamil Nadu,
Revenue Department,
Fort St. George, Chennai.
- 2.The District Collector,
Nilgiris District,
The Nilgiris.
- 3.The Revenue Divisional Officer,
O/o.The Revenue Divisional Office,
Coonoor Taluk,
The Nilgiris.
- 4.The Tahsildar,
Coonoor Taluk,
The Nilgiris.

+1cc to M/s.K. Jenitha, Advocate, S.R.No.25345
+1cc to the Government Pleader, S.R.No.25377

AD(CO)
EU(13/05/2016)

W.P.No.14979 of 2016