

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.15613 and 15614 of 2016

K.Selvam ... Petitioner in W.P.No.15613/2016
K.Shankar ... Petitioner in W.P.No.15614/2016

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 petitions have been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus, directing the respondents to consider the petitioners' representation dated 16.3.2016 within a time frame as fixed by this Court.

For Petitioner : Mr.M.Senthil
For Respondents : Mr.K.Thangapandi,
Govt.Advocate

COMMON ORDER

By consent, the main writ petitions are taken up for final disposal.

2. The petitioners have come up with the present writ petitions for a mandamus, directing the respondents to consider

their representation dated 16.3.2016 within a time frame as fixed by this Court.

3. It is the case of the petitioners that their 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 their grandfather, the petitioners and their brother K.Samannan 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 petitioners are landless poor agricultural labourers and hence, they made several representations to the respondents to assign 3.00 acres of land, which is in their possession. Since there is no response for the said representations, finally, the petitioners 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 petitioners have come up with the present writ petitions seeking a direction to the respondents to consider their representation dated 16.3.2016 within a time frame as fixed by this Court.

4. I have heard the learned counsel appearing for the petitioners and the learned Government Advocate, 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 petitioners dated 16.3.2016 and pass appropriate orders, on merits and in accordance with law, by affording an opportunity of personal hearing to the petitioners 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 petitioners and it is for the third respondent to consider the claim of the petitioners strictly on merits and in accordance with law. The writ

petitions are disposed of accordingly. No costs.

rg

Sd/-
Asst.Registrar

/true copy/

Sub Asst. 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.
- + 1 cc to Mr.M.Senthil, Advocate Sr 26498
- + 1 cc to The Govt.Pleader, Sr 26625

KR/1/6/16

W.P.Nos.15613 and 15614 of 2016

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