

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 08.06.2016

CORAM

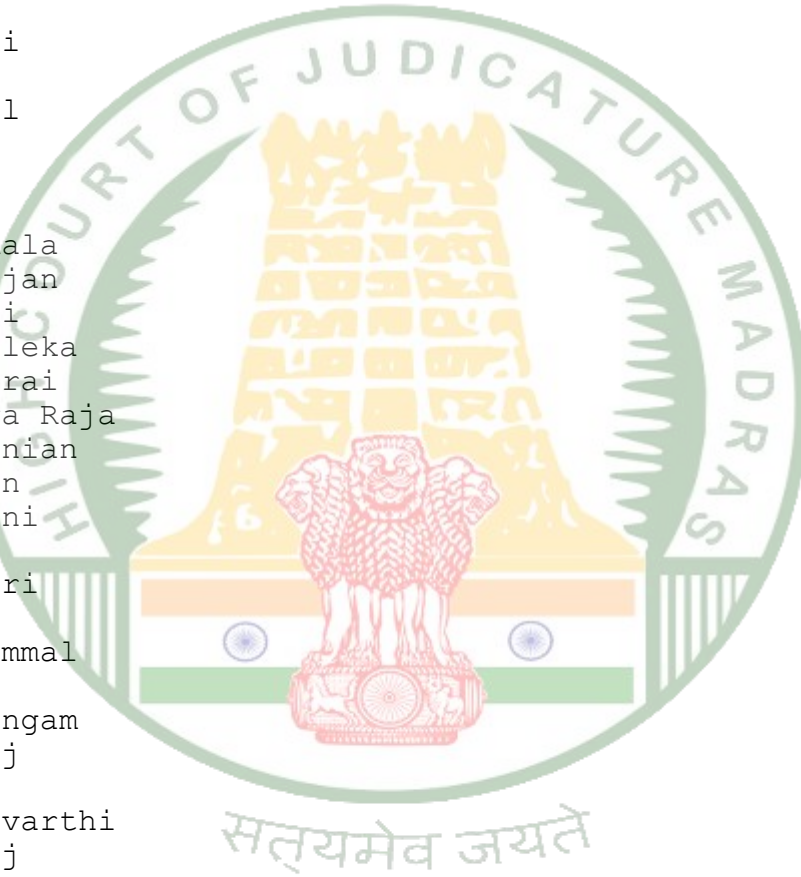
THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.18741/2016

and

WMP.No.16361/2016

- 1.S.Thenmozhi
- 2.N.Murugan
- 3.R.Mariammal
- 4.C.Anbu
- 5.M.Devi
- 6.V.Shanthi
- 7.V.Chandrakala
- 8.R.Rajra Rajan
- 9.V.S.Gomathi
- 10.C.Chandrakeka
- 11.C.Sermadurai
- 12.S.Shanmuga Raja
- 13.T.Subramanian
- 14.R.Krishnan
- 15.S.Selvarani
- 16.N.Lakshmi
- 17.N.Rajeswari
- 18.M.Suresh
- 19.R.Pandiyammal
- 20.R.Karnan
- 21.K.Jothilingam
- 22.S.Selvaraj
- 23.P.Stalin
- 24.V.Chakaravarthi
- 25.S.Selvaraj
- 26.T.Mariappan
- 27.P.Stalin
- 28.A.Srinivasan
- 29.K.Raji
- 30.K.Murugesan
- 31.G.Mani
- 32.K.Raji
- 33.P.Ramkumar
- 34.S.Veijayalakshmibai
- 35.M.Gunasundari
- 36.K.Mani
- 37.Velu
- 38.Pushpa



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39.Velmurugan
40.Poorani
41.Selvi
42.N.Jeyalakshmi
43.P.Vadivel Rajan
44.S.Shanmugarajan
45.P.Jayasingh
46.Murali
47.Saraswathi
48.C.Loganathan
49.Raman
50.R.Akila
51.D.Chonnaram
52.R.Raji
53.S.Makesh
54.Arul
55.Jeeva
56.V.Jevanantham
57.Nithiarasan
58.A.Jeyasankar
59.J.Anne Grace
60.S.Thilagam
61.R.Antonysamy
62.R.Rajalakshmi
63.R.Murugan
64.A.Kasthuri
65.K.A.Peterson
66.Paneerselvam
67.M.Jarina

.... Petitioners

Versus

1.The Secretary to the Government
State of Tamil Nadu, Rural Development
and Local Administration, Fort St George
Chennai 600009.

2.The District Collector
Kancheepuram District.

3.The Tahsildar
Solinganallur Taluk
Solinganallur, Kancheepuram District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the 2nd respondent to conduct an enquiry by giving notice to the petitioners, afford a reasonable opportunity of hearing, to produce documents, to substantiate their claim made in representations dated 29.02.2016 to the 2nd respondent and consequently direct the 2nd respondent to pass orders granting

assignment and patta if it is found that they are eligible as per law.

For Petitioners : Mr.M.A.Muthalakan

For Respondents : Mr.A.Nagarajan, for R1

ORDER

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

2 The petitioners claim that the larger portion of the land in RS.No.657/3A3 situated at No.42, Pallikaranai village, Solinganallur Taluk, Kancheepuram District, is classified as "Government Poramboke land" and the petitioners claim to be in possession and enjoyment of lands to an extent of 3 cents to 10 cents each, for over 35 years and on an earlier occasion, through Associations, they moved this Court for issuance of patta by filing WP.Nos.547 to 5500/2016 and this Court, by the common order dated 25.03.2010, has directed the concerned respondent therein to consider the representations of the petitioners in the light of the Government orders, which are in force for issuing patta to the landless persons and pass necessary orders in accordance with law. The grievance expressed by the petitioners is that in spite of the said order, their request for issuance of patta, have not been complied with and in this regard, they have also submitted a representation dated 14.04.2010 followed by reminders dated 17.10.2012, 30.09.2015 and 29.02.2016 and since no response is forthcoming, the petitioners came forward to file the present writ petition.

3 The learned counsel for the petitioners would submit that in the light of the earlier orders passed by this Court, the official respondents are bound to positively consider the request of the petitioners for issuance of pattas and since the official respondents did not take any action, whatsoever, the petitioners are constrained to file this writ petition and prays for appropriate orders.

4 Per contra, Mr.R.Govindasamy, learned Special Government Pleader who accepts notice on behalf of the respondents, would submit that the land in which the petitioners require pattas, is declared as "Pallikaranai Marsh" which is also a Forest land and in respect of the lands falling under the said category, no patta can be issued and prays for further time to respond to the representation submitted by the petitioners.

5 This Court considered the rival submissions and also perused the materials placed before it.

6 Though the petitioners have prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioners either in the writ petition or in the representation, directs the respondents 2 and 3 to consider and dispose of the petitioners' final representation dated 29.02.2016 on merits and in accordance with law, and pass orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners.

7 The writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary to the Government
State of Tamil Nadu, Rural Development
and Local Administration, Fort St George
Chennai 600009.
- 2.The District Collector
Kancheepuram District.
- 3.The Tahsildar
Solinganallur Taluk
Solinganallur, Kancheepuram District.

+1cca to Mr.M.A.Muthalakan, Advocate sr.30428
+1cc to the Government Pleader sr.30907

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