

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 08.06.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.19235/2016 & WMP.No.16718/2016

R.Rajeswari

... Petitioner

Versus

- 1.The District Collector
District Collectorate,
Dharmapuri District.
- 2.The Revenue Divisional Officer
Revenue Divisional Office,
Harur Revenue Division,
Dharmapuri District.
- 3.The Superintendent of Police
O/o.the Superintendent of Police
Dharmapuri District.
- 4.Periyasamy
- 5.R.V.Subramani
- 6.Raju

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the 1st respondent herein to inspect the petitioner's land and to conduct an enquiry and pass suitable orders on merits for peaceful enjoyment of the petitioner's land situated at Survey No.27/2, Ranganvalasai village, Periyapatti, Harur Taluk, Dharmapuri District, without any disturbance after considering petitioner's representation dated 20.05.2016 by affording an opportunity of fair hearing to the petitioner in accordance with law expeditiously.

For Petitioner : Mr.C.E.Pratap

For RR 1 to 3 : Mr.R.Govindasamy, Spl.GP

ORDER

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

2 The learned counsel for the petitioner would submit that despite the order of assignment made on 12.06.2007 in respect of the land admeasuring to an extent of 0.57.50 hectares in Survey No.27/2 at Ranganvalasai village, Harur Taluk, Dharmapuri District, the dead bodies are being buried in the part of the said lands and

therefore, the petitioner is constrained to approach this Court by filing the present writ petition.

3 Per contra, Mr.R.Govindasamy, learned Special Government Pleader who accepts notice on behalf of the respondents 1 to 3, has drawn the attention of this Court to the proceedings of the Revenue Divisional Officer, Harur dated 29.01.2015 made in Na.Ka.No.7671/2013/A2 and would submit that in the light of the said proceedings, the Tahsildar, Harur, was directed to hand over the possession of the land admeasuring to an extent of 0.24.0 hectares in Survey No.79/6 in favour of the petitioner and it was also indicated in the said order that if the petitioner is aggrieved, he can prefer an appeal within a period of sixty days from the date of receipt of a copy of that order, to the District Revenue Officer and would further add that with regard to the burial of bodies, two criminal cases came be registered in Crime Nos.98/2015 and 189/2015 by the Kottapatti Police Station and therefore, prays for dismissal of this writ petition.

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

5 A perusal of the proceedings of the Revenue Divisional Officer, Harur, dated 29.01.2015 would disclose that necessary orders have been given to the Tahsildar, Harur, to hand over the possession of 0.24.0 hectares in Survey No.79/6 in favour of the petitioner. In the light of the said development, this Court is not in a position to find out whether the bodies are buried in the said lands or in the excess lands which have been taken apart from the petitioner's holding. It is also to be pointed out at this juncture that the petitioner did not avail the appeal remedy against the above cited order passed by the Revenue Divisional Officer, Harur, dated 29.01.2015 and therefore, this Court is unable to grant any relief to the petitioner.

6 In the result, the writ petition is dismissed. No costs. However, if the petitioner is so advised, she is at liberty to file an appeal before the District Revenue Officer, Dharmapuri, challenging the order of the Revenue Divisional Officer, Harur, dated 29.01.2015, along with an application for condonation of delay and as and when the said appeal is filed with the application for condonation of delay, the District Revenue Officer, Dharmapuri, is directed to dealt with the same in accordance with law and pass orders as expeditiously as possible. Consequently, the connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To

1.The District Collector
District Collectorate,
Dharmapuri District.

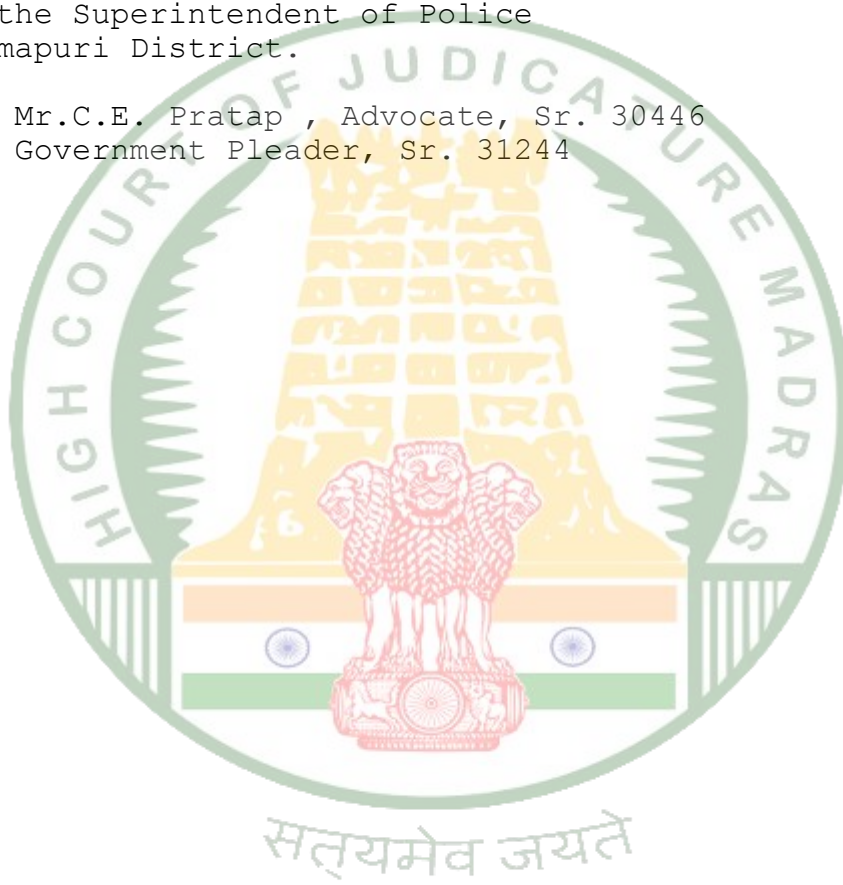
2.The Revenue Divisional Officer
Revenue Divisional Office,
Harur Revenue Division,
Dharmapuri District.

3.The Superintendent of Police
O/o.the Superintendent of Police
Dharmapuri District.

1 cc to Mr.C.E. Pratap , Advocate, Sr. 30446
1 cc to Government Pleader, Sr. 31244

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GJ (CO)
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