

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.24115/2016

D.Sugavanam

.. Petitioner

Versus

1.The Secretary to Government
Revenue Department, State of
Tamil Nadu, Chennai-9.

2.The District Collector
Salem District.

3.The Revenue Divisional Officer
Salem Division, Salem.

4.The Tahsildar
Vazhapadi, Salem District. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the 3rd respondent to consider and pass orders on the petitioner's appeal petition dated 25.08.2012 by removing the Adi Dravida Condition in the Revenue Accounts for the land comprised in Survey No.82/2 over an extent of 0.45.0 Hec., in Kariapatti village, Vazhapadi Taluk, Salem District within a stipulated time as directed by this Court.

For Petitioner : Mr.M.Muthappan

For Respondents: Mr.R.Govindasamy, Spl.GP

ORDER

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

2 The petitioner would state that a large extent of agricultural lands comprised in S.No.82/1 admeasuring to an extent of 1 acre and 11 cents in Kariapatti village, Vazhapadi Taluk, Salem District, was purchased by one Thiru Munian through Court auction held on 24.12.1949 and he in turn, sold the same

in favour of one Govinda Pather through a Sale Deed dated 01.11.1950 and after passing very many hands, the petitioner had purchased the said property from his brother, viz., Thiru D.Mohan, through a registered Sale Deed dated 05.10.1989 and claims that patta was also transferred in his name. The petitioner, later on, came to know that the land was assigned for the benefit of people belonging to Adi Dravida community. The petitioner has approached the 3rd respondent stating that since the land in question was in possession of private parties for more than 49 years and as per the rules, if the possession exceeds 30 years, the person in possession is entitled to get No Objection Certificate from the Tahsildar and prayed for necessary relief in the form of petition dated 29.06.2015 and it was forwarded by the 3rd respondent to the 4th respondent for enquiry and to submit a report. The petitioner in this regard, has also submitted a representation dated 03.11.2015 to the 4th respondent and though it was acknowledged on 05.11.2015, he is yet to be favoured with any kind of response and hence, the petitioner came forward to file this writ petition.

3 Heard the learned counsel for the petitioner and Mr.R.Govindasamy, learned Special Government Pleader who accepts notice on behalf of the respondents.

4 This Court taking into consideration the limited scope of prayer sought for by the petitioner and without going into the merits of the same, directs the 4th respondent to complete the enquiry and forward the report to the 3rd respondent within a period of four weeks from the date of receipt of a copy of this order and the 3rd respondent on receipt of such report from the 4th respondent, is directed to consider the petitioner's representation dated 03.11.2015 in accordance with law and pass orders within a further period of eight weeks thereafter and communicate the decision taken, to the petitioner.

5 The writ petition is disposed of with the above direction and observation. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary to Government
Revenue Department, State of
Tamil Nadu, Chennai-9.

2.The District Collector
Salem District.

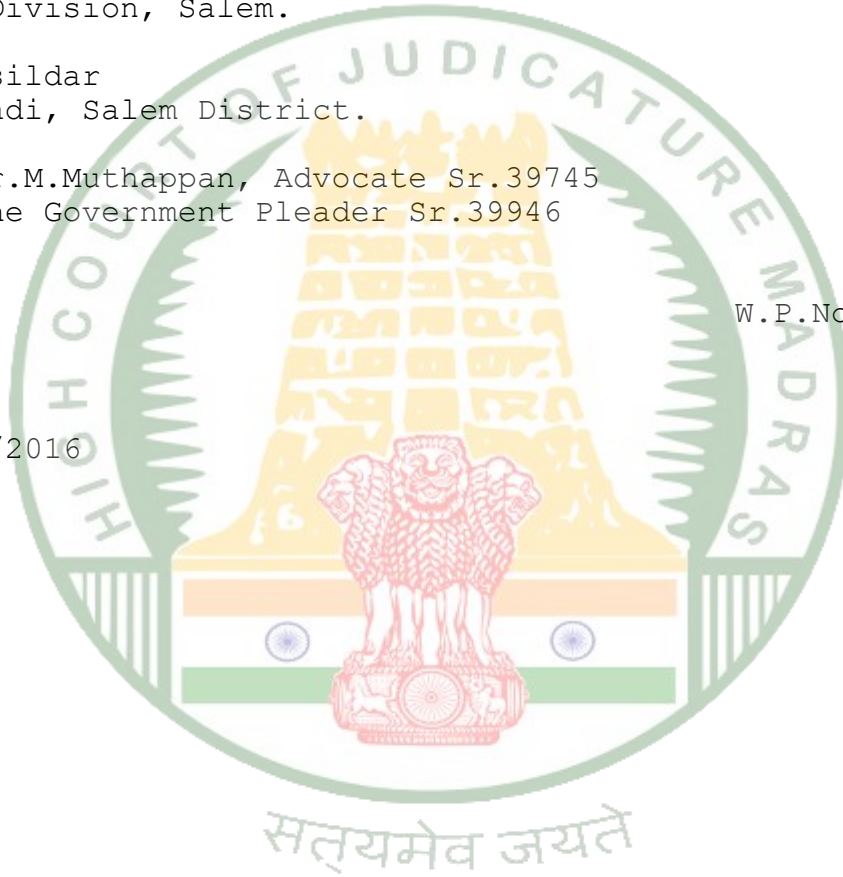
3.The Revenue Divisional Officer
Salem Division, Salem.

4.The Tahsildar
Vazhapadi, Salem District.

+1cc to Mr.M.Muthappan, Advocate Sr.39745
+1cc to the Government Pleader Sr.39946

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