

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.07.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.25271 of 2016
and
W.M.P.No.21631 of 2016

Gangaiammal ... Petitioner

Vs.

1.The District Collector,
Villupuram.

2.The District Revenue Officer,
Villupuram.

3.The Tahsildar,
Thirukovilure Taluk,
Thirukovilure,
Villupuram District.

4.The District Education Officer,
Villupuram.

5.The President,
Ariyur Village Panchayat,
Thirukovilure Taluk,
Villupuram District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, forbearing the respondents herein from in any manner dispossessing the petitioner from the land in S.No.356/5, Ariyur Village, Thirukovilure Taluk, Villupuram District, unless by following the due process of law.

For Petitioner : Mr.S.V.Karthikeyan

For Respondents : Mr.R.Vijayakumar,
Additional Government Pleader

O R D E R

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

2. The petitioner claims that she is a permanent resident of Ariyur Village, Thirukovilure Taluk, Villupuram District and according to her, her husband late Mottaiyan was owning ancestral lands in Ariyur Village admeasuring to an extent of 1.73 hectares in S.Nos.356/1, 357/2A and 357/2C and after his demise, the said lands devolved on her, her son and daughter and since her daughter is married, she is cultivating the land along with her son. The petitioner would further state that adjacent to the above said land, there is a vacant land in S.No.356/5 admeasuring to an extent of 0.74 cents, which is classified as "Elam Tharisu" and the petitioner is in possession of the said land and she was issued with 'B' memo and she has also paid the charges for the fasli 1424 vide receipt dated 30.03.2016. The grievance expressed by the petitioner appears to be that for the purpose of extension of the school premises, the land in S.No.356/5 is about to be taken out by the 4th respondent without recourse to due process of law and in this regard, has also submitted a representation dated 14.07.2016, since no orders have been passed, came forward to file this writ petition.

3. The learned counsel appearing for the petitioner would submit that since the petitioner is in possession of the land in S.No.356/5 admeasuring to an extent of 0.74 cents and issued with 'B' memo for the fasli 1424 and she has also paid the 'B' memo charges vide receipt dated 30.03.2016, she should not be dispossessed except in accordance with due process of law and prays for appropriate orders.

4. This Court, on going through the typed set of documents, finds that though the petitioner claims to have submitted a representation to the fourth respondent dated 14.07.2016, no acknowledgment, whatsoever, to evidence the submission of the said representation and even in the said representation, the ownership of the land admeasuring to an extent of 1.73 hectares in S.Nos.356/1, 357/2A and 357/2C has not been disclosed.

5. The learned counsel appearing for the petitioner would submit that since steps are being taken to dispossess the petitioner from the land in S.No.356/5, appropriate orders may be passed.

6. In the considered opinion of this Court, the prayer sought for the petitioner cannot be granted for the reason that admittedly, no acknowledgment has been produced for having submitted a representation before the 4th respondent and the said representation is also bereft of any material particulars or enclosures. Therefore, the relief sought for by the petitioner cannot be granted. However, the petitioner is at liberty to

submit a detailed representation by enclosing all the documents to the concerned official, who, on receipt of the same, is directed to consider and dispose of the same after putting on notice, the persons concerned and pass orders as expeditiously as possible and communicate the decision taken, to the petitioner.

This Writ Petition is dismissed subject to the above observation. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

- 1.The District Collector,
Villupuram.
- 2.The District Revenue Officer,
Villupuram.
- 3.The Tahsildar,
Thirukovilure Taluk,
Thirukovilure,
Villupuram District.
- 4.The District Education Officer,
Villupuram.
- 5.The President,
Ariyur Village Panchayat,
Thirukovilure Taluk,
Villupuram District.

+1cc to M/S.S.V.Karthikeyan, Advocate Sr.41266
+1cc to the Government Pleader Sr.41713

Writ Petition No.25271 of 2016

ctk[co]
srg 17/08/2016