

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.3960 of 2016
and
WMP.No.3305 of 2016

R.Srinivasan

... Petitioner

vs.

1.The District Collector,
Krishnagiri, Krishnagiri District.

2.The Tahsildar,
Hosur,
Krishnagiri District.

3.The Village Administrative officer,
Badathepally Village,
Hosur Taluk,
Krishnagiri District.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India praying for a Writ of mandamus, forbearing the respondents from interfering with the petitioner from leasing out the property comprised in S.Nos.28/3 and 28/5 in Kanimangalam Village, Hosur Taluk, Krishnagiri District to any other person for the purpose of fish farming without due process of law.

For Petitioner : M/s.N.Sureka

For Respondents : Mrs.P.Rajalakshmi, GA

ORDER

The petitioner has come up with the present writ petition for a mandamus, forbearing the respondents from interfering with the petitioner's right of leasing out the property comprised in S.Nos.28/3 and 28/5 in Kanimangalam Village, Hosur Taluk, Krishnagiri District to any other person for the purpose of fish forming without due process of law.

2. According to the petitioner, the properties in S.Nos.28/3 and 28/5 to an extent of 1.30 acres situated at Kanimangalam Village, Hosur Taluk, Krishnagiri District are his ancestral properties. Later on, patta and other revenue records have been transferred in the name of the petitioner. Thereafter, the petitioner is in possession and enjoyment of the said properties without any interference. While so, the petitioner planned to lease out the said properties to a third party for the purpose of 'fish farming', which was seriously objected by the third respondent. Hence, the petitioner made a representation dated 03.11.2015 to the first respondent, requesting to take action against the third respondent. In spite of receipt of the same on 05.11.2015, till date, no action has been taken by the first respondent. Therefore, the petitioner has filed the present writ petition for the above stated relief.

3. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials placed before this Court.

4. It is the specific case of the petitioner that he intended to lease out the properties in question to a third party, for the purpose of fish farming and he would do so, only if the third party obtained a proper and valid certificate from the authorities concerned for doing such business, as such, the objection raised by the third respondent is at pre-mature stage and the same would affect his fundamental rights. Therefore, he sought for a Mandamus, forbearing the respondents from making such interference. In my considered view, such relief cannot be straight away granted to the petitioner.

5. However, this Court permits the petitioner to submit a copy of his representation dated 03.11.2015 along with a copy of this order to the first respondent within a period of one week from the date of receipt of a copy of this order. On receipt of the same, the first respondent is directed to consider the same by affording an opportunity of personal hearing to the petitioner as well as to the third respondent and pass appropriate orders within a period of six weeks thereafter. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioner and it is for the first respondent to pass appropriate orders purely on merits and in accordance with law.

6.The writ petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

- 1.The District Collector,
Krishnagiri, Krishnagiri District.
- 2.The Tahsildar,
Hosur,
Krishnagiri District.
- 3.The Village Administrative officer,
Badathepally Village,
Hosur Taluk,
Krishnagiri District.

+1cc to Mr.C.Samivel, Advocate, S.R.No.10398
+1cc to the Government Pleader, S.R.No.10249

W.P.No.3960 of 2016

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srg(/02/2016)

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