

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2016

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.40187 of 2016

C.Parvathammal

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Petitioner

-VS-

1.The State of Tamil Nadu,
rep. by its Principal Secretary to Government,
Revenue Department, Secretariat, Chennai.

2.The Commissioner of Land Reforms,
Ezhilagam, Chennai-600 005.

3.The Director of Land Reforms,
Ezhilagam, Chennai-600 005.

4.The Joint Director of Land Reforms,
Ezhilagam, Chennai-600 005.

5.The District Collector,
District Collector Office,
Krishnagiri District.

6.Revenue Divisional Officer,
District Revenue Office,
Krishnagiri District.

7.The Tashildar,
Tashildar Office,
Thenkanikottai,
Krishnagiri District.

8.The Assistant Commissioner
(Land Reforms), Erode.

9.L.Bairamma

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Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the 2nd, 3rd and 8th respondents to reassignment an extent of 0.52.5 Hectare land comprised in Survey No.136/2 situated at Nellumara Agraharam Village, Thenkanikottai Taluk, Krishnagiri District from the name of 9th respondent to in the name of petitioner based on the petitioner's representation dated 02.08.2016 as per the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act 1961 within a time frame limit.

For Petitioner :: Mr.S.Senthamil Selvan

For Respondents:: Mr.M.Elumalai,
Government Advocate for R1 to R8

ORDER

This writ petition has been filed by C.Parvathammal seeking a writ of Mandamus directing the 2nd, 3rd and 8th respondents to re-assign an extent of 0.52.5 Hectare land comprised in Survey No.136/2 situated at Nellumara Agraharam Village, Thenkanikottai Taluk, Krishnagiri District from the name of 9th respondent to in the name of petitioner based on the petitioner's representation dated 02.08.2016 as per the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act 1961.

2.Learned counsel for the petitioner would submit that the petitioner was in continuous possession and enjoyment of the property covered in Survey No.130/1 having an extent of 09 cents and in

Survey No.136/2 having an extent of 0.52.5 hectare for the past 40 years. In the year 2008, the Assistant Commissioner (Land Reforms), Erode/the eighth respondent herein had issued notification for assignment of surplus land. Therefore, the petitioner has made an application for allotment of land covered in Survey No.130/1 having an extent of 09 cents and Survey No.136/2 having an extent of 0.52.5 hectare. The eighth respondent had issued assignment in favour of the petitioner in respect of Survey No.130/1 having an extent of 09 cents. But the another land in Survey No.136/2 having an extent of 0.52.5 hectare was allotted in favour of the ninth respondent. Disagreeing to the allotment of assignment in favour of the ninth respondent, the petitioner has made a representation on 02.08.2016 to the Joint Commissioner and Land Reforms Commissioner for re-assignment in respect of Survey No.136/2 having an extent of 0.52.5 hectare. Thereafter, the Director of Land Reforms sent a communication to the District Revenue Officer to conduct enquiry for re-assignment. The District Collector also sent a communication to the Sub District Collector for conducting enquiry for re-assignment. But till date no progress has been made. Therefore, the petitioner was compelled to come to this Court seeking the above said prayer.

3.This Court is not able to entertain this writ petition for the following reasons.

Firstly, the petitioner having been assigned with land in Survey No. 130/1 measuring an extent of 09 cents in the year 2004, he should have immediately made a representation/appeal to the appropriate authorities for re-assignment of land in Survey No.136/2 having an extent of 0.52.5 hectare. But the same has not been done for the past 12 long years. Secondly, the petitioner cannot ask for re-assignment of land in Survey No.136/2 having an extent of 0.52.5 hectare on the ground that he is in continuous possession without even challenging the assignment order granted in favour of the ninth respondent. Accordingly, the writ petition fails and the same is dismissed. No costs.

Index : yes/no
vga

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T.RAJA, J.

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