

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.4188 of 2016

A.Palanisamy

... Petitioner

Vs.

1. The Tahsildar, Namakkal Taluk Office, Namakkal.
2. The Village Administrative Officer,
Vasanthapuram Village,
Vasanthapuram, Namakkal District.
.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the second respondent to consider and pass orders on the petitioner's representation, dated 27.10.2015.

For Petitioner : Mr.P.Wesley Issac
For Respondents : Mr.S.Navaneetham, Addl.G.P.

ORDER

The Writ Petition is filed for issuance of a Writ of Mandamus to direct the second respondent to consider and pass orders on the petitioner's representation, dated 27.10.2015.

2. It is the case of the petitioner that he is an agriculturist and owning agricultural land in S.No.88, Vasanthapuram Village and cultivating crops like cholan, onion, kutchi kilangu, etc. The said land is the petitioner's ancestral property acquired by him through settlement deed executed by the petitioner's ancestors. The petitioner has also been issued with patta for the said land. By using bore-well dug in the said land, the petitioner is making use of water for cultivation. That being so, one Sanwamalai, son of Kalimuthu and few others, claiming to be social activists and fighting for public cause,

filed O.S.No.854 of 2005 before the District Munsif Court, Namakkal, in respect of the said land and the said suit was dismissed on 27.06.2011, against which, appeal in A.S.No.84 of 2012 was preferred before the Sub-Court, Namakkal, which was also dismissed on 14.10.2015. During the period of pendency of suit proceedings, though the petitioner was in possession and though there was no interim order from Court, the above said social activists prevented the petitioner from cultivating crops, due to which, the petitioner was deprived of his income. The petitioner gave representation, dated 27.10.2015 to the second respondent to grant him crop loss award, by enclosing necessary documents as well as by stating all facts. Since the said representation was not considered by the second respondent, the petitioner preferred representation, dated 09.11.2015, to the first respondent. Since there was no response, the petitioner has filed this Writ Petition for the above relief.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who took notice for the respondents and objected to the prayer made in the Writ Petition.

4. Learned counsel for the petitioner submitted though there was no interim order from Court, the petitioner could not cultivate the crops, because he was prevented by the said social activists from doing agricultural operations, due to which, the petitioner was deprived of his income, and therefore, he has filed the above Writ Petition seeking for a direction to the second respondent to dispose of his representation, which was given for grant of crop loss award.

5. In reply, learned Additional Government Pleader appearing for the respondents submitted that such a representation cannot be considered, since the petitioner has not approached the concerned authorities at the relevant point of time when he was prevented by the third parties from cultivating the land. The petitioner, having failed to approach the authorities at the relevant point of time, cannot now ask for compensation.

6. Irrespective of the submissions made on either side, this Court is of the view that the representation given by the petitioner to the respondents, cannot be kept pending and it has to be decided either way.

7. Therefore, considering the limited scope of the prayer made in this Writ Petition, without going into the merits of the case, this Writ Petition is disposed of, with a direction to the second respondent to consider the said representation, dated 27.10.2015 of the petitioner, and after giving an opportunity of

hearing to the petitioner and necessary parties, dispose of the said representation, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

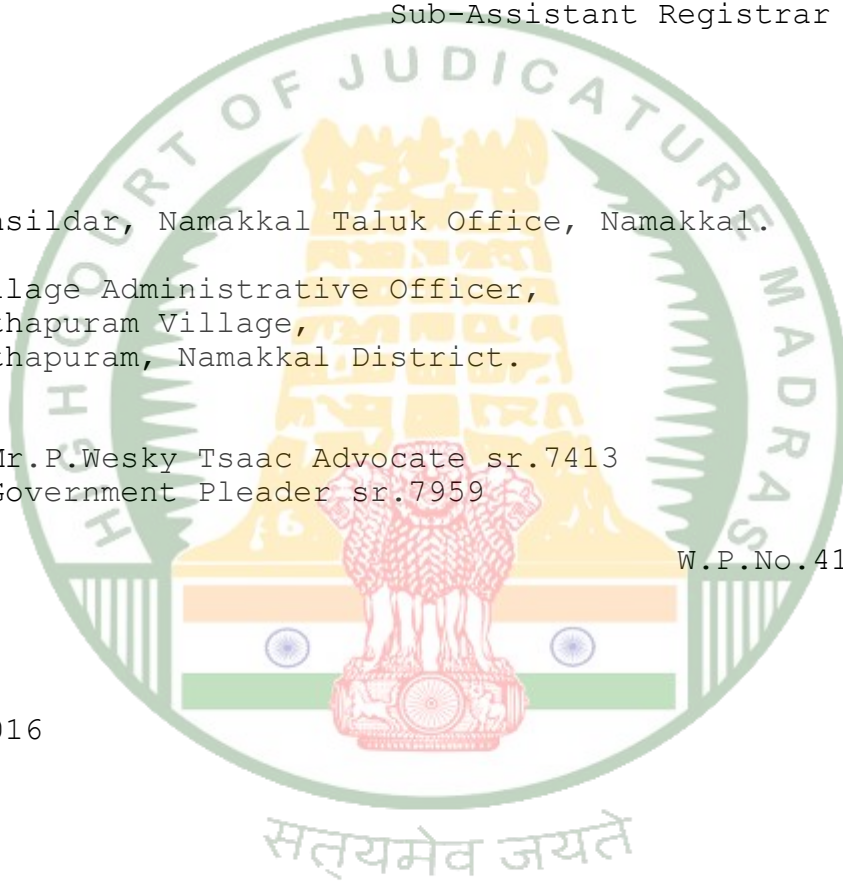
1. The Tahsildar, Namakkal Taluk Office, Namakkal.
2. The Village Administrative Officer,
Vasanthapuram Village,
Vasanthapuram, Namakkal District.

+1 cc to Mr.P.Wesky Tsaac Advocate sr.7413

+1 cc to Government Pleader sr.7959

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