

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

WRIT PETITION No.43349 of 2016

Dr.U.Shanmugam

... Petitioner

vs.

1. The District Collector,
Tiruvannamalai,
Tiruvannamalai District.
 2. The Tashildar,
Taluk Office,
Kilpennathur Taluk,
Kilpennathur,
Tiruvannamalai District.
 3. The Special Tashildar (ADW),
Taluk Office,
Chengam,
Tiruvannamalai District.
- Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the respondents to consider the various representations made by the petitioner on 23.01.2012, 03.05.2013, 30.08.2013, 20.07.2015 and 25.11.2016 and consequently direct the 2nd respondent to issue patta to the petitioner's land in respect of Survey Nos.8/3 and 8/5 at Kathalampattu Village, Kilpennathur Taluk, Tiruvannamalai District.

For Petitioner : Mr.S.Udayakumar

For Respondents : Mr.A.Kumar
Special Government Pleader

O R D E R

The petitioner has come up with this Writ Petition seeking a direction to the respondents to consider the various representations made by him on 23.01.2012, 03.05.2013, 30.08.2013, 20.07.2015 and 25.11.2016 and consequently direct the 2nd respondent to issue patta to his land in respect of

Survey Nos.8/3 and 8/5 at Kathalampattu Village, Kilpennathur Taluk, Tiruvannamalai District.

2. According to the petitioner, he is the absolute owner of the agricultural land situated in Kilpennathur Taluk, Tiruvannamalai District comprised in Survey No.8/3 measuring 1 acre 04 cents; measuring 1 acre 11 cents in S.No.8/4 and measuring 1 Acre 15 cents in S No.8/5. In respect of the lands in Survey No.8/4, the Tahsildar issued patta bearing No.438, whereas patta was not issued in respect of other Survey numbers, i.e. 8/3 and 8/5.

3. The Special Tahsildar (Adi Dravidar Welfare), Chengam, Tiruvannamalai District had initiated Acquisition proceedings under Section 4(1) of the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978 and notice was issued by the District Collector in the Government Gazette on 01.01.1996. An award was passed on 28.03.1996 without notice served upon the original owner, who was in California, United States of America. Challenging the said notice issued under Section 4(1) of the Act and also the award proceedings, a Writ Petition was filed in W.P.No.5168 of 2002 and the same was quashed by an order dated 06.12.2010.

4. Pursuant thereto, the petitioner sent a representation on 23.01.2012 to the respondent seeking issuance of patta in view of the pending land Acquisition proceedings quashed by this Court, for which the 3rd respondent sent a reply stating that after getting permission from the 1st respondent, the issuance of patta to the petitioner will be considered. Nearly after a year long wait, the petitioner sent another representation to the respondents on 03.05.2013 and sent further representations to the respondents on 30.08.2013, 20.07.2015 and on 25.11.2016. Since no action is forthcoming from the respondents, having no other alternative, the petitioner has approached this Court.

5. Learned counsel for the petitioner submitted that the petitioner's grievance would be redressed if his representation seeking issuance of patta is directed to be considered by the respondents within a stipulated period.

6. Heard the learned counsel on either side and perused the material documents available on record.

7. Considering the facts and circumstances of the case and without going into the merits of the case, this Court directs the respondents to consider the petitioner's representation dated 25.11.2016 seeking issuance of patta to his land in respect of Survey Nos.8/3 and 8/5 in Kathalampattu Village, on merits and in accordance with law, and pass appropriate orders within a period of eight weeks from the date

of receipt of a copy of this order.

This Writ Petition is disposed of with the above direction.
No costs. Consequently, connected W.M.P.No.37220 of 2016 is closed.

s/d-
Assistant Registrar (CS-III)

//True Copy//

Sub-Assistant Registrar

To:

1. The District Collector,
Tiruvannamalai, Tiruvannamalai District.
2. The Tashildar,
Taluk Office, Kilpennathur Taluk,
Kilpennathur, Tiruvannamalai District.
3. The Special Tashildar (ADW),
Taluk Office, Chengam,
Tiruvannamalai District.

+1 CC to Mr.S. Udayakumar, Advocate sr 73701

W.P.No.43349 of 2016

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