

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.43974 of 2016

V. Pushpa

.. Petitioner

vs.

1. The Assistant Commissioner
(Land Reforms)
Villupuram District
Villupuram.

2. The Tahsildar
Tambaram Taluk
Tambaram, Chennai - 45.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the second respondent to consider the petitioner's application dated 14.11.2016 and inspect the land in S.No.22/2 Thiruvengeri Village and issue sketch with boundary mark on all four side as found in ground and pass further orders.

For Petitioner : Mr. S. Pushpakaran

For Respondents : Mr. R. Rajeswaran
Spl. Govt. Pleader for R1 and R2

ORDER

Mr. R. Rajeswaran, learned Special Government Pleader takes notice for the respondents. Considering the limited prayer sought by the petitioner, the writ petition is disposed of, at the stage of admission itself, with the consent of both the parties.

2. The petitioner has sought for a direction to the second respondent to consider the application of petitioner dated 14.11.2016 and inspect the land situated in S.No.22/2 Thiruvengeri Village and issue sketch with boundary marked on all four sides, as found in ground.

3. Learned counsel for the petitioner submitted that the petitioner's husband was assigned with the subject land, which is a part of land declared as surplus from the holdings of Vittal Natha Naidu in Thiruvengeri Village, by the first respondent in the year 1982 and on payment of necessary charges possession was given to him. Mr.Venkateswaralu, grandson of Vittal Natha Naidu had made a representation to the first respondent requesting him to place 23.40 acres of land settled by his grandfather in his favour in Thiruvengeri Village including the subject land of the petitioner, in the retainable portion and in its place requested for placing the lands of his grandfather in the surplus portion. Based on the request of the said Venkateswaralu dated 09.03.2005, withdrawing his original representation and requesting for status quo ante in respect of the surplus and retainable lands, the first respondent by his proceedings dated 07.11.1979 restored the status quo in respect of both retainable and surplus portion of lands. On 21.01.2013 the first respondent issued proceedings stating that on inspection it is found that the land is vacant and as per revenue records it is classified as "Land Reforms Surplus". Hence, based on the orders of the first respondent necessary corrections were made in the Village and Talk Accounts, patta was issued in favour of the petitioner's husband and his name was also mutated in the Village 'A' register and Adangal extract. The petitioner's husband died on 19.09.2005. On 14.11.2016, the petitioner submitted an application requesting the second respondent to survey the subject land and issue sketch for the same. Since no action has been taken by the respondents, the petitioner is before this Court.

4. Learned Special Government Pleader submitted that the said application has been submitted by the petitioner only on 14.11.2016 and if it is in order, the respondents will certainly consider the same, in accordance with law.

5. Heard learned counsel for the petitioner and learned Special Government Pleader for the respondents and perused the material available on record.

6. Considering the facts and circumstances of the case, the second respondent Tahsildar is directed to consider the application dated 14.11.2016 of the petitioner, on merits and in accordance with law, as expeditiously as possibly, preferably within a period of eight weeks from the date of receipt of a copy of this order. The petitioner is directed to submit a copy of his application dated 14.11.2016 along with a copy of this order to the second respondent.

7. The Writ Petition is disposed of, on the above terms. No costs.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

avr

To

1. The Assistant Commissioner
(Land Reforms)
Villupuram District
Villupuram.

2. The Tahsildar
Tambaram Taluk
Tambaram,
Chennai - 45.

+1cc to Mr.S.Pushpakaran, Advocate sr.75920

+1cc to Government Pleader sr.76296

W.P.No.43974 of 2016

rk(co)
ss(1/2/2017)

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