

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16-02-2016

Coram :

THE HONOURABLE MR. JUSTICE R. SUBBIAH

Writ Petition No. 5222 of 2016

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Pon. Nallathambi

.. Petitioner

Versus

1. The District Collector
Namakkal District

2. The Assistant Director (Panchayats)
Salem Region
Salem District

3. The Thasildar
Rasipuram
Namakkal District

.. Respondents

Petition filed under Article 226 of The Constitution of India praying for a Writ of Mandamus directing the first respondent to consider the representation of the petitioner dated 05.10.2015 seeking to handover the land in R.S. No. 164/2 to an extent of 0.60.0 Hectares in Pattanam Village to the Pattanam Panchayat, Namakkal District, within the time fixed by this Court.

For Petitioner : Mr. I.C. Vasu Devan
For Respondents : Mr. P. Sanjay Gandhi
M/S.P.Rajalakshmi
Government Advocate

ORDER

The petitioner has come forward with this writ petition praying to issue a Writ of Mandamus directing the first respondent to handover the possession of the land in R.S. No. 164/2 to an extent of 0.60.0 Hectares in Pattanam Village to the Pattanam Panchayat, Namakkal District, within a time to be fixed by this Court.

2. The petitioner is the President of Pattanam Panchayat, Namakkal District. According to the petitioner, the vacant land situate in R.S. No.164/2 of Pattanam Village, Namakkal District

is classified as poromboke land in the revenue records where the Panchayat has decided to construct a water tank and a community hall for the benefit of the Village as a whole. In this context, the Pattanam Panchayat also passed a resolution on 30.05.2014 resolving to proceed with the construction of a water tank and community hall. The resolution also authorised the petitioner to seek for handing over the possession of the land in question in favour of panchayat by the respondents. On the basis of the resolution dated 30.05.2014, the Executive Officer of the Pattanam Panchayat has sent a proposal to the first respondent on 18.08.2014 through the second respondent. Thereafter, the Executive Engineer, Directorate of Panchayat, Chennai has sanctioned a sum of Rs.45,00,000/- by a letter dated 23.12.2015 for construction of the water tank and community hall. However, till date, the respondents have not passed any order entrusting possession of the land in question in favour of the Pattanam Panchayat. The petitioner, as a President of the Village Panchayat, has also sent a representation dated 05.10.2015 and requested the respondents to pass appropriate orders to handover possession of the lands in question to enable them to proceed with the construction of the water tank and community hall, however, there is no response. Hence, the present writ petition is filed.

3. On the above contentions of the counsel for the petitioner, this Court heard the learned Additional Government Pleader for the respondents.

4. Taking note of the above facts, without expressing any opinion on merits, I feel that appropriate direction can be issued to the first respondent to consider the representation dated 05.10.2015 of the petitioner and to pass orders thereon.

5. Accordingly, the writ petition is disposed of with a direction to the first respondent to consider the representation dated 05.10.2015 submitted by the petitioner for handing over possession of the land in Survey No.164/2 in favour of the Pattanam Panchayat and to pass an order on merits and in accordance with law, within a period of four week from the date of receipt of a copy of this order. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The District Collector
Namakkal District

2. The Assistant Director (Panchayats)
Salem Region
Salem District

3. The Thasildar
Rasipuram
Namakkal District

+1 cc to M/s.I.C.Vasudevan Advocate sr.9882/16

+1 cc to Government Pleader sr.9962/16

WP No. 5222 of 2016

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