

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.5495 of 2016

N.R.Venkatesh

.. Petitioner

Vs.

The Tahsildar,
Coimbatore North,
Balasundaram Road,
Coimbatore-18.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondent to consider the representation of the petitioner, dated 06.08.2015.

For Petitioner : Mr.B.Neduzhunchezhiyan

For Respondent : Mr.R.A.S.Senthilvel, Addl.G.P.

ORDER

The petitioner has filed this Writ Petition seeking for issuance of a Writ of Mandamus to direct the respondent to consider the representation of the petitioner, dated 06.08.2015.

2. The case of the petitioner is that he is the owner of the land situated in S.No.351/1, measuring 0.81 hectares (2 acres), Kalapatti Village, Coimbatore North Taluk, Coimbatore District, which is an ancestral land owned by P.Subramanian. The said land was executed to Saraswathi in Document No.613/96 and from Saraswathi, it was executed to Muruganantham in Document No.1876/2004 and from Muruganantham, it was executed to the petitioner in Document No.4060/2007 and since then, the petitioner has been in possession and enjoyment of the same. Earlier, the Special Tahsildar, Land Acquisition Officer, issued Notification under Section 4(1) of the Land Acquisition Act in G.O.Ms.No.189, Housing and Urban Development Department, dated 25.02.1994 for acquisition of the land situated in S.No.351/1 Kallapatti Village, and subsequently, the declaration under Section 6 of the said Act was also issued. It is the further case of the petitioner that the said P.Subramanian filed a Writ Petition in W.P.No.9557 of 1995 before this Court challenging the land acquisition proceedings and this Court, by order dated 23.07.2002, quashed the declaration under Section 6 of the Act, with liberty to the respondents therein to proceed afresh from

the stage when the defect had crept in, by issuing a fresh notice. It is further stated by the petitioner that challenging the Notification issued under Section 4(1) and the declaration issued under Section 6 of the said Act, a batch of Writ Petitions, were also earlier filed before this Court, by various persons, including the petitioner's vendor and the said batch of Writ Petitions were allowed, thereby, the Notification under Section 4(1) and the declaration under Section 6 of the said Act, were set aside. It is the further case of the petitioner that with respect to the petitioner's property, there are no land acquisition proceedings. Hence, the petitioner gave a representation, dated 26.03.2015 to the respondent, with further representation, dated 06.08.2015, for transfer of patta in his name. Since no action was taken by the respondent, the petitioner has filed this Writ Petition for the above relief.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader, who took notice for the respondent.

4. Considering the limited scope of the prayer made in the Writ Petition, without going into the merits of the case, this Writ Petition is disposed of, with a direction to the respondent to consider the said representation of the petitioner, dated 06.08.2015 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 six weeks from the date of receipt of a copy of this order. No costs. W.M.P.No.4837 of 2016 is closed.

cs

-s/d-

Assistant Registrar (CS-I)

True Copy

Sub-Assistant Registrar

Copy to

The Tahsildar,
Coimbatore North,
Balasundaram Road,
Coimbatore-18.

+ 1 cc to Mr.B.Neduchezhiyan, Advocate, SR 9593

+ 1 cc to Government Pleader, High Court, Madras SR 9639

sr(co)
prk2/3

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