

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.6143 of 2016

1. Shanmugam
 2. Saravanan
 3. Palaniappan
 4. Arjunan
 5. Periavedi
 6. Mani
 7. Vedivel
- .. Petitioners
- Vs.
1. The Collector, Krishnagiri.
 2. Revenue Divisional Officer, Krishnagiri.
 3. The Tahsildar, Krishnagiri.
- .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to mutate the Revenue Records in favour of the petitioners.

For Petitioners : Mr.V.Raghavachari
For Respondents : Mrs.P.Rajalakshmi, Govt. Advocate

ORDER

The petitioners have filed this Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents to mutate the Revenue Records in favour of the petitioners.

2. The fourth petitioner, for himself and on behalf of the other petitioners, has sworn to the affidavit filed in support of the Writ Petition, stating that they are the owners of the lands at Paiyur Village and the lands were sought to be acquired for expansion of the Tamil Nadu Agricultural Research Centre, Paiyur. While so, on 15.11.1989, a Notification under Section 6 of the Land Acquisition Act, in G.O.Ms.No.865 was issued and steps were taken under Section 4(1) of the said Act. The petitioners and their predecessors-in-interest preferred W.P.No.3025 of 1990 before this Court, challenging the procedures adopted by the respondents, and the said Writ

Petition was dismissed on 09.09.1999. Hence, it is the case of the petitioners that the respondents are statutorily required to pass an Award within a period of two years under Section 11-A of the said Act, which they failed to do, and hence, W.P.No.41740 of 2002 was filed by the petitioners and others, seeking to declare the Notification issued under Section 6 in G.O.Ms.No.1497, Agriculture Department, dated 19.08.1988 and the declaration issued under Section 6 in G.O.Ms.No.865, Agriculture Department, dated 15.11.1989 by the Government of Tamil Nadu, as illegal, incompetent and lapsed in view of Section 11-A of the said Act and the said W.P.No.41740 of 2002 was allowed by this Court by order dated 09.01.2013, quashing the said Notifications issued under the land acquisition proceedings. On receipt of the order of this Court, the petitioners issued notice to the respondents calling upon them to effect changes in the Revenue Records and also a reminder to the first respondent on 02.12.2013. The matter was forwarded to the third respondent on 16.12.2013 by the first respondent. It is the grievance of the petitioners that the second respondent, by notice, dated 03.02.2014, intimated that such changes cannot be effected, as the appeal filed by the Government is pending before this Court. Even after one year, when the petitioners approached the first respondent, they were once again directed to approach the third respondent, who has not taken steps. In the meanwhile, the second respondent, being aware of the order of this Court, refused to give effect to the changes in the Revenue Records. It is stated by the petitioners that, as on date, no appeal has been filed by the respondents. But, on a perusal of the said notice dated 03.02.2014, it is seen that the second respondent has stated that the appeal is pending before this Court. Since, until now, the mutation of Revenue Records had not taken place, the petitioners have filed the Writ Petition for the relief stated above.

3. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

4. This Court is not inclined to give positive direction as sought for by the petitioners. But, taking into consideration the facts and circumstances of the case, this Court, without going into the merits of the case, directs the petitioners to give a fresh representation jointly to the third respondent for mutation of the Revenue Records in their favour, within a period of two weeks from the date of receipt of a copy of this order, by enclosing a copy of this order, and on such representation being received, the third respondent is directed to consider the same and after giving an opportunity of personal hearing to the petitioners and necessary parties, dispose of the said representation, on merits and in accordance with law, within a period of six weeks thereafter.

5. With the above observations and directions, the Writ Petition is disposed of. No costs.

-s/d-
Assistant Registrar (CSVI)

True Copy

Sub-Assistant Registrar

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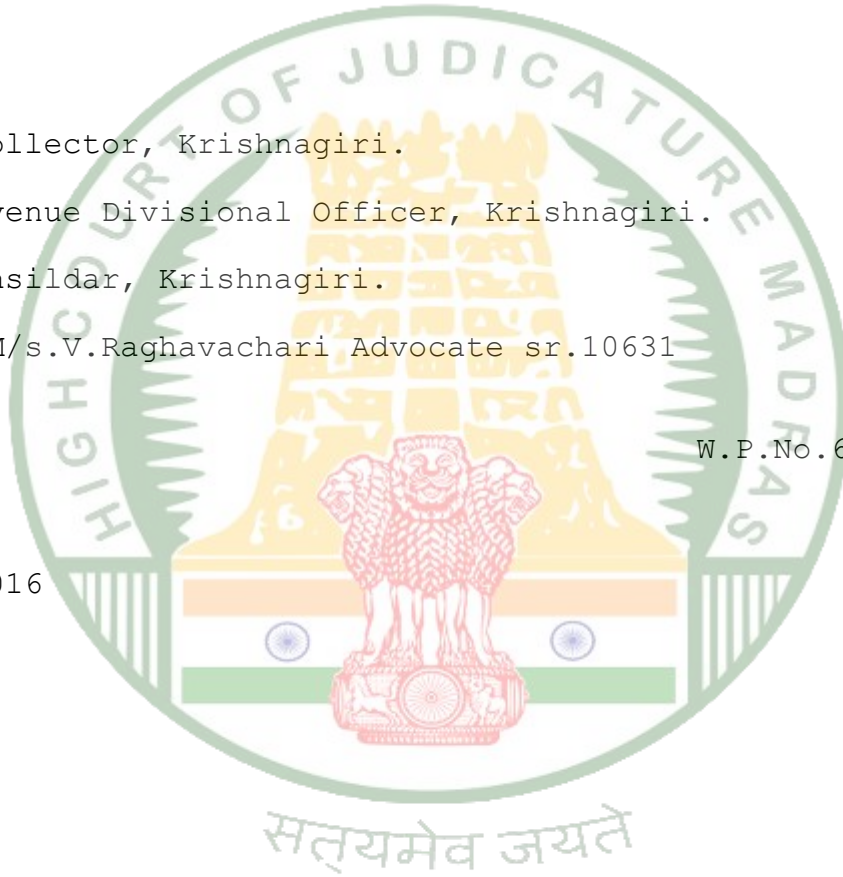
Copy to

1. The Collector, Krishnagiri.
2. The Revenue Divisional Officer, Krishnagiri.
3. The Tahsildar, Krishnagiri.

+1 cc to M/s.V.Raghavachari Advocate sr.10631

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