

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.6904 of 2016

Muniyamma

... Petitioner

vs.

1.The District Collector,
Krishnagiri District.

2.The Sub Collector,
Hosur, Krishnagiri District.

3.The Special Tahsildar,
Adi Dravidar Welfare Officer,
District Collectorate,
Krishnaigiri.

4.The Tahsildar,
Taluk Office, Hosur,
Krishnagiri District.

.... Respondents.

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus directing the third respondent to consider the petitioner's representation dated 11.1.2016 in respect of land to an extent of 1.02.0 Hectare in Survey No.745/2A of Mookandapalli Village, Hosur Taluk, Krishnagiri District within the time to be stipulated by this Court.

For Petitioner : Mr.R.Bharath Kumar

For Respondents : Mr P.Sanjay Gandhi,
Addl. Govt. Pleader

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the third respondent to consider her representation dated 11.1.2016 in respect of land to an extent of 1.02.0 Hectare in Survey No.745/2A if Mookandapalli Village, Hosur Taluk, Krishnagiri District within the time to be stipulated by this Court.

3. It is the case of the petitioner that land measuring to an extent of 1.02.0 Hectares comprised in Survey No.745/2A of Mookandapalli Village, Hosur Taluk, Krishnagiri District was classified for the benefit of Adi Dravidars. Since the petitioner and her husband belong to Adi Dravidar community the said land was allotted to the petitioner's husband with certain terms and conditions. One of such conditions is that the said land shall not be transferred or alienated to any other community people other than the Adi Dravidar community. Patta was also issued in the name of her husband for the said land in patta No.408 and they were in peaceful possession and enjoyment of the said land for more than 40 years. While so, the petitioner's husband died intestate on 9.9.2003 leaving behind the petitioner and her six children. After the death of the petitioner's husband, the petitioner approached the fourth respondent for computerized patta with an intention to avail loan from Nationalised Bank and to her shock and surprise, she came to know that out of the 1.02.0 Hectares, a portion of land appears to have been fraudulently transferred by one Venugopal to some third parties without any right or title. In fact, the petitioner's husband did not execute any Power of Attorney in favour of anyone. In this regard, the petitioner made a representation dated 11.1.2016 to the revenue officials, but the same was not considered. Hence, this petition.

4. I have heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the petitioner to give a copy of the representation dated 11.1.2016, along with a copy of this order, to the second respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the second respondent is directed to conduct enquiry by affording opportunity of personal hearing to the petitioner as well as to

the said Venugopal and other necessary parties, if any, and pass appropriate orders, in the light of Circular No.67 dated 03.11.2011 in C.No.52338/C1/2011, within a period of twelve weeks thereafter. The writ petition is disposed of accordingly. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

sbi
To

- 1.The District Collector,
Krishnagiri District.
- 2.The Sub Collector,
Hosur, Krishnagiri District.
- 3.The Special Tahsildar,
Adi Dravidar Welfare Officer,
District Collectorate,
Krishnaigiri.
- 4.The Tahsildar,
Taluk Office, Hosur,
Krishnagiri District.

+1 cc to Mr.R.BharathKumar Advocate sr.12354/16
+1 cc to Government Pleader High Court Madras
sr.12186/16

सत्यमेव जयते

W.P.No.6904 of 2016

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