

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.7559 of 2016

S.Kumarasamy

... Petitioner

Vs.

1.The District Collector
Tiruppur District,
Tiruppur.

2.The Tahsildar
Tiruppur South Taluk,
Tiruppur, Tiruppur District.

... Respondents

Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the second respondent herein to consider the representation dated 09.11.2015 submitted by the petitioner within a stipulated period.

For Petitioner : Mr.K.Goviganesan

For respondents : Mr.P.Sanjay Gandhi,
Additional Government Pleader

O R D E R

With the consent of both sides, the Writ Petition is taken up for final disposal.

2.The petitioner has come forward with the present Writ Petition seeking for issuance of mandamus to direct the second respondent herein to consider the representation dated 09.11.2015 submitted by the petitioner within a stipulated period.

3.The land measuring 7.86acres in SF.No.897/1 situated at Avinashipalayam Village, Tiruppur South Taluk and District ancestrally belongs to petitioner and he is in absolute possession and enjoyment of the same and all the revenue records

stood in the name of the petitioner. The petitioner raised coconut trees in the said lands and eking his livelihood from the income out of it.

4.The land measuring about 2.02acres belongs to Government in SF.No.897/2 situated on the southern side of the petitioner's patta land in SF.No.897/1. The petitioner states that fifteen years back a tar road was laid in the southern western portion of patta land in SF.No.897/1, 58 cents of land was acquired from the petitioner without giving any notice nor conducting any enquiry nor issued any compensation. The petitioner also objected and protested to the laying of road in patta lands. The revenue authorities while measuring the lands for laying roads found that the road falls within the patta lands and the petitioner is in occupation of poramboke land in SF.No.897/2 by raising coconut trees. The revenue authorities including the then Revenue Divisional Officer requested the petitioner to part with 99cents of patta lands for laying road, in lieu of that the authorities assured to assign 58cents of land in SF.No.897/2 which was in possession of the petitioner where he raised coconut trees. The petitioner and the officers also agreed for the said terms and the officers after recording the same obtained signature from the petitioner and affixed their signatures also, the said documents are with the revenue department.

5.The petitioner approached the authorities on several occasions for issuance of patta in SF.No.897/2 to an extent of 58 cents, the respondents replied that the same was under process. The petitioner sent a representation dated 09.11.2015 on grievance day requesting them to issue patta for the above said 58 cents in SF.No.897/2. The first respondent forwarded the said representation to the second respondent, but till date the second respondent has not taken any action. Hence, the petitioner approached this Court by way of present writ petition.

6.Heard the submissions of learned counsel appearing for the petitioner and the learned Additional Government Pleader who accepts notice on behalf of the respondents.

7.Considering the facts and circumstances and without going into the merits of the same, this Court directs the petitioner to submit fresh representation and the earlier representation dated 09.11.2015, alongwith the copy of this order before the second respondent, within two weeks from the date of receipt of a copy of this order. On receipt of the same, the second respondent is directed to consider the representation of the petitioner, on merits and in accordance with law, within a period of six weeks, thereon, after affording an opportunity of

personal hearing to the petitioner as well as to the necessary parties, if any. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner.

8.The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Collector
Tiruppur District,
Tiruppur.
- 2.The Tahsildar
Tiruppur South Taluk,
Tiruppur, Tiruppur District.

+1cc to Mr.K.Goviganesan, Advocate, S.R.No.13047
+1cc to the Government Pleader, S.R.No.13226

W.P.No.7559 of 2016

CA(CO)
CA(18/03/2016)

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