

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.7890 of 2016

B.Kalaivanan

... Petitioner

Vs.

The Commissioner of Land Administration
Ezhilagam, Chepuak, Madras-5.

2.The District Collector,
Thiruvallur District,
Thiruvallur.

3.The District Revenue Officer
Thiruvallur District,
Thiruvallur.

4.The Tahsildar
Thiruvallur Taluk
Thiruvallur.

... Respondents

Writ Petitions are filed under Article 226 of the Constitution of India to issue a Writ of mandamus directing the first respondent to issue patta in petitioner name for the lands at S.No.222/4, 205/6 & 205/7, totally to an extent of 24.0 Hectares at Satharai Village, Thiruvallur Taluk and District based on the recommendation of the 3rd respondent vide his proceeding in Na.Ka.6273/2008 No.I dated Nil.02.2009 by considering the petitioner representation dated 09.11.2015.

For Petitioner : Mr.R.Jayaprakash

For Respondents : Mr.M.Dig Vijay Pandian,
Additional Govt.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 directing the first respondent to issue patta in petitioner name for the lands at S.No.222/4, 205/6 & 205/7, totally to an extent of 24.0

Hectates at Satharai Village, Thiruvallur Taluk and District based on the recommendation of the 3rd respondent vide his proceeding in Na.Ka.6273/2008 No.I dated Nil.02.2009 by considering the petitioner representation dated 09.11.2015.

3.The petitioner states that he belong to oppressed community of the society, the petitioner joined in the Indian Army on 30.04.1979, served for the Country and retired from service on 31.08.1998. Presently, the petitioner is living in his native place, as per GO.Ms.No.1750 dated 13.05.1963 in which the Government of Tamil Nadu had decided to assign agricultural lands in favour of the retired persons from the military services.

4.The petitioner submits that he is running behind the respondents for assignment of land from the year 2001. The petitioner applied for assignment of land in S.No.222/4, 205/6 & 205/7 totally an extent of 1.24.0 hectares at Satharai Village, Thiruvallur Taluk and District on 23.07.2001. The fourth respondent conducted spot inspection and recommended for assignment. Then the third respondent also in his proceedings Na.Ka.6273/2008 dated Nil.02.2009 recommended for issuance of patta for the above lands in favour of the petitioner. Thereafter, the petitioner sent a representation dated 09.11.2015, but till date no action was taken, hence, the petitioner filed the present writ petition.

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

6.Considering the facts and circumstances and without going into the merits of the same, this Court directs the petitioner to submit fresh copy of the representation dated 09.11.2015, alongwith the copy of this order before the second respondent, within one week 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 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.

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

tsh

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Commissioner of Land Administration
Ezhilagam, Chepuak, Madras-5.

2.The District Collector,
Thiruvallur District,
Thiruvallur.

3.The District Revenue Officer
Thiruvallur District,
Thiruvallur.

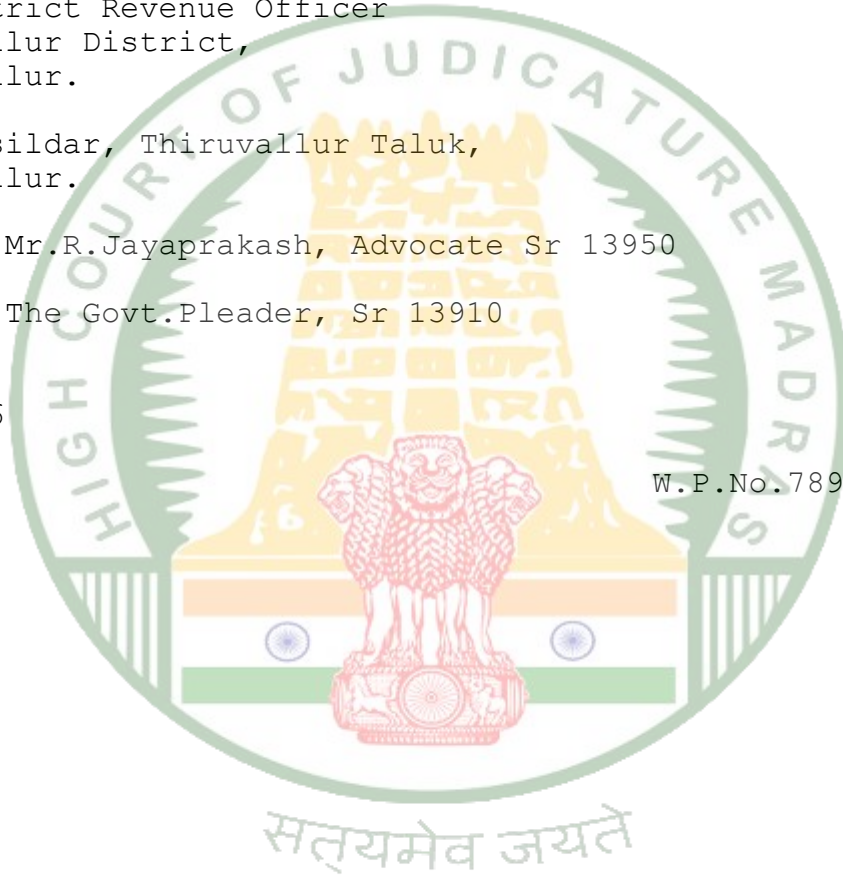
4.The Tahsildar, Thiruvallur Taluk,
Thiruvallur.

+ 1 cc to Mr.R.Jayaprakash, Advocate Sr 13950

+ 1 cc to The Govt.Pleader, Sr 13910

KR/11/3/16

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