

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.03.2016

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.8384 of 2016

P.Kasinathan

[PETITIONER]

Vs

- 1 The Director
Tamil Nadu Public Health and Preventive Medicine
No.359 Anna Salai
DMS Complex
Teynampet, Chennai.
- 2 The District Collector
Vellore, Vellore District.
- 3 The Block Development Officer
Kaniyambadi, Vellore, Vellore District.
- 4 The Thasildhar
Vellore Taluk Office
Vellore, Vellore District.
- 5 Ragavan
- 6 Rajendiran

[RESPONDENTS]

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus to direct the 6th respondent dispose of the petitioners Legal Notice dated 11-02-2016 pending on the file of the 5th respondent within stipulated period,

For Petitioner : Mr.M.Sathish Kumar

For Respondents : Mr.RM.muthukumar - R1 & R2
Addl.Govt.Pleader

Mr.V.S.Ramesh - R3 & R4

O R D E R

Heard Mr.M.Sathish Kumar, learned counsel for the petitioner, Mr.RM.muthukumar, learned Additional Government Pleader accepting for the respondents 1 & 2 and Mr.V.S.Ramesh, learned counsel accepting for respondents 3 & 4 and with the consent of the learned counsel appearing on either side, the Writ Petition is taken up for final disposal.

2.The petitioner and his brothers and sisters were magnanimous to grant private patta land for the purpose of constructing a Government Hospital. At the time when they handedover the land, they were assured that an alternate land would be allotted to them and in that regard, the Panchayat passed a Resolution on 20.08.2015, resolving to allot the land in Survey No.155/4. The petitioner submitted several representations to implement the said resolution and give him the property. However, none of his representations were considered. Therefore, the petitioner is before this Court.

3.The fact that the land given by the petitioner in Survey Nos.545/1C & 545/1D, Sozhavaram Village, has been utilised for construction of a Primary Health Centre, pursuant to the Gift Deed executed in favour of first respondent registered as Document No.2639/2014 dated 20.11.2014. It is the case of the petitioner that when they executed such Gift Deed, they were assured of allotment of the land in Survey No.155/4. In support of the said contention, the learned counsel placed reliance on the Resolution passed by the Panchayat in Resolution No. 40A dated 20.08.2015. Now that the land given by the petitioner has been utilised for construction of a Primary Health Centre, the petitioner now seeks for allotment of the alternate land, as per the Resolution of the Panchayat. It is submitted by the learned Additional Government Pleader that the land in Survey No.155/4 has been classified as 'Thoppu' porambokke and it is doubtful as to whether the same can be allotted subject to orders to be passed by the Government.

4.In any event, the petitioner is entitled to know where he stands and he has to be informed of the same.

5.In the light of the above, there will be a direction to the fourth respondent to consider the representation submitted by the petitioner through his counsel on 11.02.2016, ascertain the full facts and intimate the petitioner as to his position and pass on such intimation. The petitioner is entitled to work out his remedy in the manner known to law. The above direction

shall be complied with by the fourth respondent within a period of four weeks from the date of receipt of a copy of this order. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

rpa

To

- 1 The Director
Tamil Nadu Public Health and Preventive Medicine
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+1 cc to Mr.M.Sathish Kumar Advocate sr.14358/16

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