

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.03.2016

Coram

The Hon'ble Mr. Justice T.S. Sivagnanam

Writ Petition No.8844 of 2016

A.Rajeswari

...Petitioner

Vs.

1. The District Adi -dravida & Tribal Welfare Officer,
Thiruvannamalai District,
Thiruvannamalai.
2. The Special Tahsildar,
Adi -dravida & Tribal Welfare,
Vandavasi.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents to issue the preference certificate to the petitioner for having acquired her land at Punnai Village, Vandavasi Taluk, Thiruvannamalai District, measuring an extent of 3.06 acres, comprised in S.No.86/2A (Punja land) for providing house sites for Adi dravida people.

For Petitioner : Mr.M.Muthappan
For Respondents : Mr.R.M.Muthukumar
Additional Government Pleader

O R D E R

Heard Mr.M.Muthappan, the learned counsel appearing for the petitioner and Mr.R.M.Muthukumar, the learned Additional Government Pleader, who accepts notice for respondents. With their consent, the main Writ Petition is taken up for final disposal at the admission stage itself.

2. The petitioner-A.Rajeswari has filed this Writ Petition to direct the respondents to issue preference certificate in her favour on the ground that her lands were acquired for providing the house sites to Adi Dravida persons.

3. As rightly pointed out by the learned Additional Government Pleader that acquisition of the year 1996 by that itself would obliterate the rights of the land owners, even if the landowners are entitled for such a certificate. The first respondent thought fit to direct the second respondent to

conduct an enquiry, vide proceeding, bearing Na.Ka.No.K1/52927/2014, dated 16.10.2015. If such being the case, then, the second respondent has to comply with the direction issued by the first respondent by conducting enquiry and submit a report to the first respondent for taking further action, but the second respondent did not do so. Therefore, the petitioner sent a representation, dated 03.11.2016, which has been acknowledged by the Office of the second respondent, on 17.11.2015. Yet, there has been no progress in the matter. Hence, there will be a direction to the second respondent to conduct an enquiry in terms of the direction issued by the first respondent, dated 16.10.2015 (referred to above) and submit a report to the first respondent within a period of three weeks from the date of receipt of a copy of this order. Based on such report, the first respondent shall proceed and take decision in the matter in accordance with law within a period of six weeks thereafter.

4. With the above directions, the Writ Petition is disposed of. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The District Adi -dravida & Tribal Welfare Officer,
Thiruvannamalai District,
Thiruvannamalai.

2. The Special Tahsildar,
Adi -dravida & Tribal Welfare,
Vandavasi.

+1 cc to the Government Pleader High Court Madras
sr.15341

+1 cc to M/s.M.Muthappan Advocate sr.15154

Writ Petition No.8844 of 2016

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