



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.08.2016

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THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P (MD) No.12499 of 2016

Thamirabarani Tirunelveli Channel Nainarkulam Pasanar Sangam,
Rep. By its President,
C.Neellaiappan,
(Reg.No.52/99),
Nainarkulam Main Road,
Tirunelveli Town,
Tirunelveli.

... Petitioner

Vs.

1.The District Collector,
Tirunelveli,
Tirunelveli District.

2.The Thasildar,
Tirunelveli,
Tirunelveli District.

3.The Commissioner,
Tirunelveli Municipal Corporation,
Tirunelveli.

... Respondents

(3rd Respondent was impleaded,
vide order, dated 27.07.2016,
passed in WMP(MD)No.9721 of 2016,
by MVJ)

Prayer: Writ Petition is filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus, directing the respondents to issue patta in the name of the Petitioner in respect of land situated in Survey No.130, Nainarkulam Road, Tirunelveli Town, Tirunelveli, by considering the Petitioner's representation, dated 23.05.2016.

For Petitioner : Mr.P.Samuel Gunasingh

For R-1 & R-2 : Mr.J.Gunaseelan Muthaiah,
Government Advocate

: Mr.Ayiram K.Selvakumar

**O R D E R**

Heard both sides.

2. By consent, the main Writ Petition itself is taken up for final disposal.

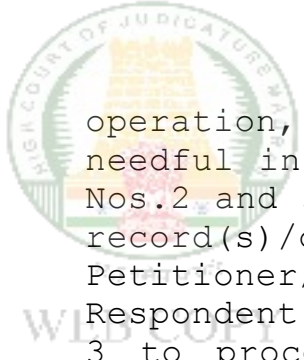
3. No counter-affidavit is filed on behalf of the Respondents.

4. According to the Petitioner/Association, in Tirunelveli, there is a Tank called Nainarkulam, measuring an extent of 446.46 acres and has the capacity of filling 18.30 million cubic feet water. In respect of agricultural operation, the only source of water is from the said Tank. As a matter of fact, Nainarkulam Farmers Association was started in the year 1953 and it is functioning for the welfare of the farmers situated in and around Nainarkulam.

5. It comes to be known that Shri Siddhi Vinayagar Temple is located in the Petitioner's Association Complex. The Association is conducting meeting every month in the Association buildings situated at Survey No.130, Nainarkulam Main Road, Tirunelveli. Meetings are conducted to solve the grievance of the farmers during harvest period. They received Harvester Machines from other States to harvest paddy. They have also obtained electricity connection and also, construction was put up in the year 1970 itself and they are in possession of the same, for the past fifty years.

6. The grievance of the Petitioner/Association is that its representation, dated 23.05.2016, addressed to the first Respondent/District Collector, Tirunelveli District and others in the subject matter in issue, is pending without any progress or disposal. Hence, the Petitioner/Association, has filed the present Writ Petition.

7. Considering the fact that the Petitioner/Association's representation, dated 23.05.2016, is pending before the Second and Third Respondents, as on date, without any progress or disposal, this Court based on Equity, Fair Play, Good Conscience and even as a matter of prudence, directs the Respondent Nos.2 and 3, to look into the representation of the Petitioner/Association, dated 23.05.2016, within a period of one week from the date of receipt of a copy of this order. Thereafter, the Respondent Nos.2 and 3, are to pass necessary speaking orders, on merits (Of course after providing necessary opportunity to the Petitioner and others concerned by adhering to the Principles of Natural Justice), within a period of four weeks thereafter. The Petitioner/Association, is directed to lend its assistance and unstinted co-



operation, so as to enable the Respondent Nos.2 and 3, to do the needful in the subject matter in issue. In case, the Respondent Nos.2 and 3, require any certified copy of document(s)/copy of any record(s)/document(s), then, it is incumbent on the part of the Petitioner/Association to comply with the request of the Respondent Nos.2 and 3 and it is open to the Respondent Nos.2 and 3 to proceed further after receipt of said document/documents, within the time stipulated by this Court.

With the above said Direction(s)/Observation(s), this Writ Petition stands disposed of. No Costs.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

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To

- 1.The District Collector, Tirunelveli,
Tirunelveli District.
 - 2.The Thasildar, Tirunelveli,
Tirunelveli District.
 - 3.The Commissioner, Tirunelveli Municipal Corporation,
Tirunelveli.
- +1CC to Mr.Aayiram K.Selvakumar, Advocate Sr.No.42652
+1CC to The Special Government Pleader Sr.No.42605
+1CC to Mr.P.Samuel Gunasingh, Advocate Sr.No.42994

CSL/SKN/SK/SAR-III-12.8.16-3p-7C

W.P(MD)No.12499 of 2016
05.08.2016