



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 03.08.2016

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THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P(MD)No.13831 of 2016

Vadamalayan

..Petitioner

Vs

1.The Principal Secretary-cum-
Commissioner for Land Reforms,
Ezhilagam, Chepauk, Chennai-5.

2.The Director of Land Reforms,
Ezhilagam, Chepauk,
Chennai - 600 005.

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents herein to pass final orders on the recommendation of the District Revenue Officer, Theni in Na.Ka.No.12421/2012/D4, dated 23.12.2014 to cancel the allotment under the Bhoomidhan Act for violation of conditions of allotment by O.J.Murugesan and consequently to direct the respondents to consider the representation of the Petitioner dated 7.4.2016 for allotment of house site as landless poor for shelter within a reasonable time fixed by this court.

For Petitioner :M/s.M.Natarajan

For Respondents :Mr.J.Gunaseelan Muthiah
Govt.Advocate

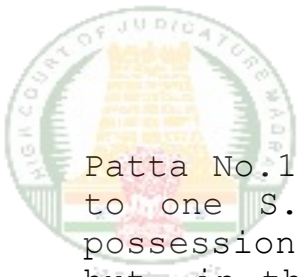
ORDER

Heard both sides.

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

3.No counter is filed on behalf of the Respondents 1 and 2.

4.According to the Petitioner, he is a landless poor person and that the property comprised in S.No.57/2A1, Veerapandi Village and Hamlet, Palanichettipatti, Theni Taluk, Theni District, vide <https://hcservices.ecourts.gov.in/hcservices/>



Patta No.1446, measuring an extent of 50 cents, originally belong to one S.R.P.Jegannathan. In fact, he and 14 others were in possession and enjoyment of the above said land by putting up a hut in the said property. It appears that the said owner of the property had donated the said property to Tamil Nadu Bhoomidhan Board in the year 1956 under the Bhoomidhan Scheme.

5.The stand of the Petitioner is that he and other landless poor persons approached the Principal Bench of this Court in W.P.No.20822 of 2000, praying for grant of patta considering their possession. In fact, the Principal Bench of this Court on 28.3.2003 declined to consider the said relief holding that they had not submitted any petition for allotment of site and grant of patta and before making such request for allotment, the question of consideration of their request would not arise. But the Court granted liberty to concerned Petitioners therein to approach the competent authority to seek for an allotment.

6.The version of the Petitioner is that during the course of hearing of W.P.No.20822 of 2000, it was projected before the Principal Bench of this Court that the said property was assigned by the Government to one O.J.Murugesan, brother of the land owner's wife as landless poor. But it appears that the said allottee is doing the business in Real Estate and violated the condition of allotment by not doing any cultivation but allowed the said property to lay Thar road thereon. Also that, under the Bhoomidhan Act a complaint was made to the Respondents for cancellation of allotment.

7.It comes to be known that based on the complaint as regards the violation of conditions of allotment, a memorandum in Na.Ka.No.K1/529/2012(M.C), dated 31.10.2014 was forwarded to the District Revenue Officer, Theni and thereupon the District Revenue Officer, Theni directed the Tahsildar, Theni to conduct an enquiry and submit a report. Furthermore, on the basis of the Enquiry Report from the Tahsildar, Theni, dated 8.12.2014 and report of the Executive Officer, Palanichettipatti Town Panchayat, dated 21.11.2014, the District Revenue Officer submitted his report in Na.Ka.No.12421/2012/D4, dated 23.12.2014 that the allottee O.J Murugesan failed to perform any agricultural activities in the said land for several years and treated the said property as a family property and recommended for cancellation of the said allotment for violation of conditions of allotment by O.J.Murugesan.

8.The real grievance of the Petitioner is that even after three years, recommendation of the District Revenue Officer, Theni, dated 23.12.2014 for cancellation of allotment granted in favour of O.J.Murugesan, no final orders have been passed by the Respondents so far in the subject-matter in issue. Apart from that



the Petitioner gave a representation on 7.4.2016 to the Respondents requesting them to pass final orders on the recommendation of the District Revenue Officer, Theni dated 23.12.2014 and to allot him a house-site as a landless poor person and suffering without a place for his shelter. His representation as on date is still pending without any progress or disposal. Hence the Petitioner has filed the present Writ Petition for the relief stated supra.

9. Inasmuch as the Petitioner's representation, dated 7.4.2016 is pending before the Second Respondent/The Director of Land Reforms, Ezhilagam, Chepauk, Chennai - 600 005, without any progress or disposal in the subject-matter in issue, at this stage this Court without dwelling deep into the merits and contents of the representation of the Petitioner, dated 7.4.2016, simpliciter, in the interest of justice, Equity, Fair Play, Good Conscience and even as a matter of prudence, directs the Second Respondent to look into the representation of the Petitioner, dated 7.4.2016 within a period of one week from the date of receipt of a copy of this order and thereafter, to dispose of the same by passing a reasoned speaking order, on merits (of course after providing necessary opportunity to the Petitioner and others concerned, if any by adhering to the principles of natural justice in true letter and spirit) within a period of three weeks thereafter. It is open to the Petitioner to produce copies of all necessary/relevant documents before the Second Respondent and the Second Respondent in turn shall take into consideration of the same at the time of disposal of the representation of the Petitioner, dated 7.4.2016. The Petitioner is directed to lend his assistance and cooperation to the Second Respondent, in disposing of his representation dated 7.4.2016 within the time adumbrated by this Court.

10. With the aforesaid observation(s) and direction(s), the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Secretary-cum-

Commissioner for Land Reforms, Ezhilagam, Chepauk, Chennai-5.

2. The Director of Land Reforms, Ezhilagam, Chepauk, Chennai-600 005.

+2cc to Mr. M. Natarajan, Advocate Sr. No. 41665

+1cc to Spl. Government Pleader Sr. No. 41556

vsn