



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 29.08.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P (MD) No.14356 of 2016

Valli

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Ramanathapuram District.

2.The Tahsildar,
Paramakudi Taluk,
Ramanathapuram District.

3.The Village Administrative Officer,
K.Amuthakudi,
Paramakudi Taluk,
Ramanathapuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the Respondent No.2, to consider the representation submitted by the Petitioner, dated 19.04.2016, in accordance with law, within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

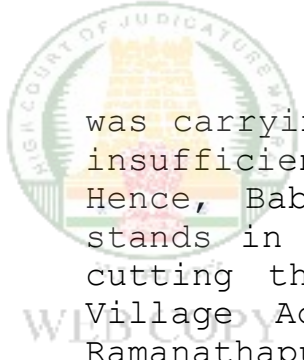
For Respondents : Mr.J.Gunaseelan Muthiah
Govt.Advocate

ORDER

Heard both sides.

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

<https://hcservices.ecourts.gov.in/hcservices/> According to the Petitioner, she is in continuous possession of 55 Cents of land, which was in possession of her ancestor in Kamuthakudi in Survey No.11. Till the year 2012, she



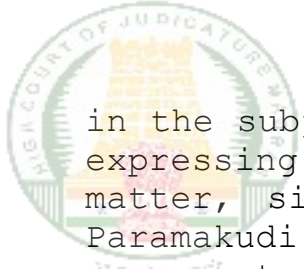
was carrying-out the agricultural operation. Subsequently, due to insufficient rain, she could not cultivate the land in question. Hence, Babul trees were raised in the said land and the patta stands in her name, since 1993 to 2015. At this stage, she was cutting the Babul trees, at that time, the Third Respondent / Village Administrative Officer, Kamuthakudi, Paramakudi Taluk, Ramanathapuram District, came to the land in question along with one office member and threatened her not to cut the said trees. Also, the Third Respondent had proceeded to state that he would cancel the patta stand in her name, if she disobeyed his orders. In fact, the Third Respondent / Village Administrative Office r, Kamuthakudi, Paramakudi Taluk, Ramanathapuram District, had removed her name from the patta bearing No.1456, with *mala-fied* intention.

4. The grievance of the Petitioner is that on 02.02.2016, 28.02.2016, 14.03.2016 and on 19.04.2016, she narrated the aforesaid facts and projected representations before the Second Respondent / Tahsildar, Paramakudi Taluk, Ramanathapuram District, and other higher officials, for granting permission to remove the Babul trees from the land in question and also requested to include her name in 10(1) Computer Register. However, the Second Respondent / Tahsildar, Paramakudi Taluk, Ramanathapuram District, had not considered her request, till date. Hence, she has filed the present Writ Petition before this Court.

5. On behalf of Respondent Nos.1 to 3, it is represented before this Court that the land in Survey No.11, measuring an extent of 0.22.5 Ares, the Petitioner was granted patta, as per order dated, 22.02.1993. Further, it is denied on the part of Respondent Nos.1 to 3 that the Second Respondent / Tahsildar, Paramakudi Taluk, Ramanathapuram District, had prevented the Petitioner from cutting Babul trees in her patta name. As a matter of fact, the Petitioner was only prevented in cutting the Babul trees, which stand on the Government Poramboke Land in S.Nos.7, 9 and 10, which are classified as 'Channel Poramboke and Varathukal Porambake'. Based on the said reasons only, the Third Respondent / Village Administrative Officer, Kamuthakudi, Paramakudi Taluk, Ramanathapuram District, stopped cutting the trees, on the poramboke land by the Petitioner.

6. On behalf of the Respondents a categorical submission is made that there is no impediment for the Petitioner to secure 10 (1) Computer copy patta in Survey No.11, provided, she applies through proper channel and this was communicated to the Petitioner, as per the proceedings, dated 26.05.2016.

<https://hcservices.ecourts.gov.in/hcservices> 7. Considering the fact that the Petitioner's last representation dated 19.04.2016, is pending before the Second Respondent / Tahsildar, Paramakudi Taluk, Ramanathapuram District,



in the subject matter in issue, at this stage, this Court, without expressing any opinion one way or other on the merits of the matter, simpliciter, directs the Second Respondent / Tahsildar, Paramakudi Taluk, Ramanathapuram District, to look into the representation of the Petitioner, dated 19.04.2016, and to pass a reasoned speaking order, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order (of-course after providing necessary opportunity to the Petitioner and others concerned, by adhering to the principles of natural justice, while issuing notice to the Petitioner and others concerned, if any in the subject matter in issue). It is incumbent on the part of the Petitioner to pay the necessary fees to the Revenue Authorities concerned.

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

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar

To

- 1.The District Collector,
Office of the District Collector,
Ramanathapuram District.
- 2.The Tahsildar,
Paramakudi Taluk,
Ramanathapuram District.
- 3.The Village Administrative Officer,
K.Amuthakudi,
Paramakudi Taluk,
Ramanathapuram District.

+One cc to Mr.R.Alagumani, Advocate, SR.No.48341
+One cc to The Special Government Pleader, SR.No.48107
MPK
RL/6C/3P/AAL/MPA/9/9/2016

W.P (MD) No.14356 of 2016