



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 01.06.2016

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE M. VENUGOPAL

W.P (MD) No.8991 of 2016

M.Mahalakshmi

... Petitioner

Vs

1. Tamil Nadu State Bhoodan Yagna Board,
represented by its Chairman,
Chepauk, Chennai-5.
2. The Director,
Directorate of Land Reforms,
Ezhilagam, Chepauk,
Chennai-5.
3. The District Collector,
O/o.the District Collector,
Dindigul District,
Dindigul.
4. The District Revenue Officer,
O/o.the District Revenue Officer,
Dindigul District,
Dindigul.
5. The Tahsildar,
O/o.the Tahsildar,
Ottanchathiram Taluk,
Dindigul District.
6. The Bhoodan Inspector,
Tamil Nadu Bhoodan Board,
Dindigul District,
Dindigul.

... 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 1 and 2 to grant patta to the Petitioner land in S.No.81/1B in an extent of two acres situated at Veralapatti Branch, Virupatchi Village, Ottanchathiram Taluk, Dindigul District by considering the representation of the Petitioner, dated 28.03.2016.

For Petitioner : Mr.S.Rajasekar
for M/s.T.Lajapathi Roy
For Respondents : Mr.S.Kumar
Addl.Govt.Pleader

**ORDER**

Heard both sides.

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

3. According to the Petitioner, she has filed the present Writ Petition seeking for passing of an order by this Court in directing the respondents 1 and 2 to grant patta in her favour in S.No.81/1B measuring to an extent of two acres situated at Veralapatti Branch, Virupatchi Village, Ottanchathiram Taluk, Dindigul District by considering her representation, dated 28.03.2016.

4. The Petitioner claims that she belongs to the economically weaker section (Scheduled Caste-Arunthathiyar Community) and before 50 years, her husband's grand-father cultivating the land in S.No.81/1B, measuring to an extent of 10 acres. As a matter of fact, originally, the said land belonged to one Thirumoorthy Naicker. Later, son of the said Thirumoorthy Naicker namely, Ponnusamy Naicker has executed a Gift Deed in favour of the first respondent in respect of the said land and that the first respondent had not taken possession of the said land. Also that, husband's grand-father cultivating the said land without any disturbance whatsoever. Soon after the demise of the said Perumal,, his son Natrayan and his sons namely, Muniyandi, Perumal, Chinnathurai and Sethuraman had cultivated the said ten acres of land and during the year 2006, the Government had provided two acres of land to the landless poor. Hence they have divided the said ten acres of land into five shares and she had obtained two acres of land and paid necessary tax and cultivating the said land and enjoying the same till date. Although, they had given representation to the respondents to provide patta, the same was not considered till date.

5. In the meanwhile, on 27.10.2006, the third respondent sent a letter to the Petitioner stating that the land measuring an extent of 7.5 acres, out of ten acres, was allotted to one 'Gandhi Seva Sangam'. But they had not utilized the said land. For that reason, a recommendation was sent to the first respondent/Tamil Nadu State Bhoodan Yagna Board, Chennai to cancel the allotment order granted in favour of the said Sangam and the third respondent/the District Collector, Dindigul District had stated that patta would be granted in their favour after completion of the proceedings. However, no action was taken in this regard.

6. The stand of the Petitioner in the present Writ Petition is that the third respondent/District Collector, Dindigul District, on 22.12.2012, addressed a communication to her and directed her to produce some documents i.e., Landless Poor Certificate, Income Certificate, Nativity Certificate and application to the second respondent/The Director, Directorate of Land Reforms, Chennai-5, in order to provide patta in her favour in respect of the said land. On 12.1.2013, she sent a representation to the respondents 2 and 3 together with necessary documents and sought for providing patta.



7.It comes to be known that on 5.3.2013, the second respondent/The Director, Directorate of Land Reforms, Chennai-5 had sent a letter to the fourth respondent/The District Revenue Officer, Dindigul, directing to conduct field visit and submit a report in regard to the Petitioner's claim. But no action was taken. Finally, on 28.3.2016, the Petitioner sent a representation along with another legal heir namely, Mahalakshmi and sought to complete the proceedings of the second respondent, dated 5.3.2013 and to provide two acres of land to each of them in S.No.81/1B, situated at Veralapatti Branch, Virupatchi Village, Ottanchathiram Taluk, Dindigul District. However, no action has been taken so far.

8.It is to be noted that the Petitioner on 12.1.2013 had addressed a representation to the second respondent/The Director, Directorate of Land Reforms, Chennai-5 seeking issuance of patta in respect of S.No.81/1B(two acres) at Veralapatti Branch, Virupatchi Village, Ottanchathiram Taluk, Dindigul District. In reality, by means of the said representation, the Petitioner had enclosed six copies of documents for favour of consideration by the second respondent. Subsequently on 28.3.2016, the Petitioner along with one Mahalakshmi had addressed a representation to six authorities(including the Commissioner of Land Reforms, Chennai-5, the District Collector, Dindigul, the District Revenue Officer, Dindigul etc). However, it appears that there is inaction in the subject-matter in issue by the authorities concerned.

9.In view of the limited relief sought for by the Petitioner in her Writ Petition namely, seeking for passing of an order by this Court in directing the respondents 1 and 2 to grant patta in her favour in respect of the land in S.No. 81/1B, measuring an extent of two acres situated at Veralapatti Branch, Virupatchi Village, Ottanchathiram Taluk, Dindigul District by considering her representation, dated 28.3.2016, this Court, at this stage, without going into the merits of the matter, simpliciter, directs the respondents 1 and 2 to look into the representation of the Petitioner, dated 28.3.2016 and earlier representation, dated 12.01.2013 in an objective and dispassionate passion and to pass a reasoned, speaking order on merits(of-course after providing necessary opportunity to the concerned parties by adhering to the principles of natural justice) within a period of six weeks from the date of receipt of a copy of this order. It is made clear that the order to be passed by the respondents 1 and 2 within the time adumbrated by this Court untrammelled by any of the observations made by this Court in this Writ Petition. It is abundantly made clear that it is open to the respondents 1 and 2 to call for any other documents/particulars/details from the Petitioner concerned in the subject-matter in issue before passing the order in question. If any additional documents/particulars/details are sought to be called for by the respondents 1 and 2, in the subject matter in issue, then the Petitioner is directed to comply with the same at the earliest possible time so as to enable the respondents 1 and 2 to pass orders in the subject-matter in issue within the time prescribed. Liberty is granted to the Petitioner to provide a copy of the representation, dated 12.1.2013 to the respondents 1 and 2 within a period of one week from the date of receipt of a copy of this order.



10. With the above said observations and directions, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar (AE)

WEB COPY

/True copy/

Sub Assistant Registrar

To

1. The Chairman,
Tamil Nadu State Bhoodan Yagna Board,
Chepauk, Chennai-5.
2. The Director,
Directorate of Land Reforms,
Ezhilagam, Chepauk,
Chennai-5.
3. The District Collector,
O/o.the District Collector,
Dindigul District,
Dindigul.
4. The District Revenue Officer,
O/o.the District Revenue Officer,
Dindigul District, Dindigul.
5. The Tahsildar,
O/o.the Tahsildar,
Ottanchathiram Taluk,
Dindigul District.
6. The Bhoodan Inspector,
Tamil Nadu Bhoodan Board,
Dindigul District,
Dindigul.

+ 2 CC TO MR.T.LAJAPATHI ROY, ADVOCATE IN SR No. 27743, 27552
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No.27388

VSN

TE/PEK/SAR-I : 09/06/2016 : 4P/10C

W.P (MD) No.8991 of 2016

01.06.2016