

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.5999/2017

1.Smt.P.Poongodi
2.Smt.Parimala
3.Smt.Jayanthi
4.Bhuvaneswari

.. Petitioners

Vs

1.The District Collector
Villupuram District, Villupuram.
2.The Revenue Divisional Officer
Kallakurichi, Villupuram District.
3.The Tahsildar
Sankarapuram Taluk
Sankarapuram, Villupuram District. .. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the 1st respondent to re-convey the property in Survey No.98 to an extent 8.41 acres and Survey No.103 to an extent of 3.51 acres situated at Arumbarampatty village, Sankarapuram Taluk, Villupuram District in favour of the petitioners and consequently direct the 3rd respondent to issue a patta in favour of the petitioners after conveyance of the said property within a stipulated time to be fixed by this Court.

For Petitioners : Mr.P.Thiagarajan

For Respondents : Mr.R.S.Selvam, GA

ORDER

By consent, the writ petition is taken up for final disposal. Mr.R.S.Selvam, learned Government Advocate accepts notice on behalf of the respondents.

2 The petitioners were in possession of the lands admeasuring to an extent of 8.41 acres, 11.48 acres, 6.82 acres and 14.46 acres respectively in S.Nos.98, 99, 100 and 103 situate at Arumbarampattu Village, Sankarapuram Taluk, Villupuram District, by way of succession and it is their case that their forefathers were in possession of the properties

and they are successors and have inherited the same. It is further stated that on account of the default in payment of taxes for Faslis 1343 and 1344, the Tahasildar, Kallakurichi, had initiated steps for recovery of tax due and issued a notice dated 15.07.1935 in Form-5 under section 27 of the Act II of 1964. It was also followed by further notices and since the said amounts have not been paid, steps have been taken to bring it by way of auction and challenging the same, WP.Nos.1138, 1231 and 1565/1994 were filed and vide order dated 14.09.2000, this Court permitted the petitioners therein to submit a representation to the concerned authority within the stipulated time, with a further direction to pass orders on their representations.

3 The learned counsel for the petitioners would submit that in the light of the said order, representations have also been submitted and arrears of taxes have also been paid and the petitioners have also made a request for reconveyance of the lands and the 3rd respondent herein, vide communication dated 10.07.2007 in Na.Ka.No.7904/05, had requested for advise / necessary instructions as to the reconveyance of the lands and since no steps have been taken thereafter, the petitioners are constrained to approach this Court by filing this writ petition. He would further submit that in the light of the Revenue Standing Order 45 coupled with the fact that the petitioners have also cleared the arrears, there cannot be any impediment on the part of the respondents to re-convey the lands and in this regard, the 1st petitioner has also submitted a representation dated 17.10.2016 to the Secretary to Government, Government of Tamil Nadu, Revenue Department, Secretariat, Chennai-9, with copies marked to the respondents and despite the receipt and acknowledgment, no orders have been passed and therefore, came forward to file the present writ petition.

4 The Court heard the submissions of Mr.R.S.Selvam, learned Government Advocate appearing for the respondents and also perused the materials placed before it.

5 Though the petitioners have prayed for a larger relief, this court, in the light of the above facts and circumstances and without going into merits of the claim projected by them, permits the petitioners to submit one more representation to the respondents 1 to 3 along with a copy of this order as well as a copy of their earlier representation dated 17.10.2016 submitted to the Secretary to Government, Revenue Department, Chennai-9, within a period of two weeks from the date of receipt of a copy of this order and upon receipt of the same, the respondents 1 to 3 shall put the concerned person/s on notice and thereafter, are directed to consider and dispose of the petitioners' representation on merits and in accordance with law and pass orders within a

further period of ten weeks thereafter and communicate the decision taken, to the petitioners as well as to the person/s concerned.

6 The writ petition stands disposed of with the above direction. No costs.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

AP

To

- 1.The District Collector
Villupuram District, Villupuram.
- 2.The Revenue Divisional Officer
Kallakurichi, Villupuram District.
- 3.The Tahsildar
Sankarapuram Taluk
Sankarapuram, Villupuram District.

+1cc to Government Pleader sr.15918

+1cc to Mr.P.Thiyagarajan, Advocate sr.15679

sv(co)
ss(24/3/2017)

W.P.No.5999/2017

सत्यमेव जयते

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