

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.3726 of 2010

W.M.P.No.1 of 2010

Ananthayee

... Petitioner

-vs-

1. The Government of Tamil Nadu
rep. by the Secretary to Government
Revenue Department,
Fort St. George, Chennai 600 009.
2. The District Collector
Salem District
Salem.
3. The Revenue Divisional Officer
Sankari
Salem District.
4. The Tahsildar
Sankari
Salem District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of MANDAMUS to direct the respondents to exclude an extent of 0.37.0 hectares in Survey No.181/2 of Pullagoundampatti agharam, Sankari Taluk, Salem District out of total extent of 28.39.0 hectares in Survey No.181 for Stone quarrying from the Notification No.2 of Salem District, Gazette dated 1.2.2010 published by the 2nd respondent as per Na.Ka.No.181/2009 (Mines-A) dated 28.1.2010 and allot the above said extent of land to the petitioner under the scheme called allotment of land to landless.

For Petitioner : Mr.R.Saseetharan

For Respondents : Mr.A.Zakir Hussain
Government Advocate

O R D E R

The learned counsel for the petitioner fairly admitted that the petitioner is an encroacher and submitted that the Application submitted by the petitioner seeking assignment of land on 5th January, 2009 is pending and yet to be finalised. The learned counsel for the petitioner also submitted that the said Application is under process and the petitioner would be satisfied if a direction is issued to the respondents to consider the Application submitted by the petitioner as early as on 05.01.2009, and to pass appropriate orders.

2. In view of the restriction adopted in the prayer by the learned counsel for the petitioner, this Court is inclined to direct the second respondent to consider the Application submitted by the petitioner on 5th January 2009 and pass final orders in this regard, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that this Court is not expressing any opinion on the merits of the case and it is absolutely left open to the discretion of the second respondent to consider the case on merits and in accordance with law. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

rpa

To

1. The Government of Tamil Nadu
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+lcc to Mr.Saseetharan, Advocate Sr. 45694

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KS (CO)
VR(18/07/2017)



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