



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.(MD)No.17787 of 2017

R.Rajayyan

...Petitioner

-Vs-

1.The District Welfare Officer,
(Scheduled Caste and Scheduled
Tribes Department), Collectorate,
Nagercoil-629 001,
Kanyakumari District.

2.The Special Tahsildar,
(Scheduled Caste Department),
Kalkulam, Kanyakumari District.

3.The Tahsildar,
Kalkukulam, Kanyakumari District.

4.The Taluk Surveyor,
Kalkulam, Kanyakumari District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to consider and pass order on the representation submitted by the petitioner on 11.04.2017 together with reminder dated 12.07.2017 for demarcating the petitioner land in R.S.No.384/6B of Aloor "B" village, Kanyakumari District from R.S.No.384/6A of Aloor "B" Village, Kanyakumari District by metes and bounds.

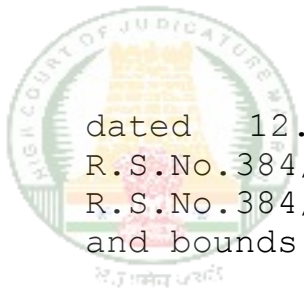
For Petitioner : Mr.S.Xavier Rajini

For Respondents : Mr.C.Selvaraj

Special Government Pleader

O R D E R

<https://hcservices.ecourts.gov.in/hcservices/>
The petitioner seeks a Writ of Mandamus, directing the respondents to consider and pass order on the representation submitted by the petitioner on 11.04.2017 together with reminder



dated 12.07.2017 for demarcating the petitioner land in R.S.No.384/6B of Aloor "B" village, Kanyakumari District from R.S.No.384/6A of Aloor "B" Village, Kanyakumari District by metes and bounds.

2. Heard Mr.S.Xavier Rajini, learned counsel for the petitioner and Mr.C.Selvaraj, learned Special Government Pleader for the respondents and perused the records.

3. The case of the petitioner is that he purchased 3 acres and 5 cents in R.S.Nos.384/1, 384/5 and 384/6 in Aloor Village, Kanyakumari District from one Mariathangam and Lakshmi in the year 2001.

4. The State Government of Tamil Nadu has acquired 17 cents in R.S.No.384/1B of Aloor "B" Village, Kanyakumari District on 11.03.1994 for burial ground for the people of Ambedkar Colony.

5. The owners of the land namely Mariathangam and Lakshmi challenged the land acquisition in W.P.(MD)No.15764 of 1993, which was dismissed on 21.11.2001. When an appeal, filed in W.A.(MD) No.1634 of 2002 challenging the order of the learned Single Judge, was pending, there was exchange of land and thereby the State Government dropped the acquisition proceedings in R.S.No.384/1B, which was accepted by the authorities.

6. When the writ appeal was listed for hearing on 26.06.2008, the submissions of the parties were recorded and the writ appeal was disposed of. The State Government has also issued G.O.Ms.No.15 (Scheduled Caste and Tribal Welfare (NiA-1)) Department, dated 04.02.2015 accepting the alternative land.

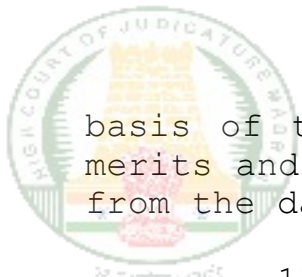
7. The petitioner would claim that the original owners have sold 17 cents in R.S.No.384/1B by a registered sale deed dated 24.05.2016, since then he is in possession and enjoyment of the same. Based on the documents, the petitioner approached the respondents to issue patta and demarcation of this land and also sent representations on 11.04.2017 and 12.07.2017. Since no action was taken, the present writ petition has been filed.

8. The learned Special Government Pleader would submit that the petitioner has not paid the prescribed fee for demarcation of the property. If necessary amount is paid, the third respondent will take appropriate action.

9. The learned counsel for the petitioner would submit that the fee would be paid within a period of one week to the third respondent.

<https://hcservices.ecourts.gov.in/hcservices/>

10. In view of the above circumstances, this Court directs the third respondent to take appropriate action on the



basis of the representations dated 11.04.2017 and 12.07.2017, on merits and in accordance with law, within a period of twelve weeks from the date of payment of prescribed demarcation fee.

11. Accordingly, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To

1.The District Welfare Officer,
(Scheduled Caste and Scheduled
Tribes Department), Collectorate,
Nagercoil-629 001,
Kanyakumari District.

2.The Special Tahsildar,
(Scheduled Caste Department),
Kalkulam, Kanyakumari District.

3.The Tahsildar,
Kalkukulam, Kanyakumari District.

4.The Taluk Surveyor,
Kalkulam, Kanyakumari District.

+1cc to M/S.S.Xavier Rajini, Advocate SR.No. 80285
+1cc to Special Government Pleader, SR.No. 80892

W.P. (MD) No.17787 of 2017

SM

JM/SV MMS/SAR 1/04.10.2017/3P/7C