



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.(MD)No.21251 of 2016

Pandian

... Petitioner

Vs.

1.The District Collector
Trichy,
Trichy District.

2.The Tahsildar
Musiri, Trichy District.

3.Ravichandran

4.Porselvi

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to consider and pass appropriate order on the application dated 11.09.2015 filed by petitioner Under Sections 4 (2) and 5(2) of T.N. Land Tenancy Act.

For Petitioner : Mr.N.R.Balaji

For Respondents : Mr.T.S.Mohamed Mohideen

Additional Government Pleader - for R1 & R2

: Mr.K.Govindarajan - For R3 & R4

ORDER

This Writ petition has been filed seeking a Writ of Mandamus to direct the second respondent to consider and pass appropriate order on the application dated 11.09.2015 filed by petitioner Under Section 4(2) and 5(2) of T.N. Land Tenancy Act.

2. Heard, the learned Counsel on either side.

3. According to the petitioner, the respondents 3 and 4 are having the land in patta No.1045, 1499 and 1500 measuring an extent of 5.57.70 hectares and the petitioner is the cultivating tenant, by executing a tenancy agreement. The grievance of the petitioner is that the third respondent is insisting the petitioner to hand over the possession of the said land. However, he refused to do so and filed an application dated 11.09.2015, under Sections 4(2) and 5(2) of Tamil Nadu Land Tenancy Act before



the second respondent. Since, no action has been taken, he has submitted another representation dated 08.02.2016, before the first respondent. Even though, no action has been taken, the petitioner is constrained to file this present writ petition, for the aforesaid relief.

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4. After some arguments, it is agreed by both the parties that the claim of the petitioner shall be considered by the second respondent, after affording an opportunity of hearing to all the parties.

5. In view of the above submission and also considering the limited scope of the relief sought for by the petitioner, this Court, without expressing any opinion on the merits of the petitioner's claim, directs the second respondent, to dispose of the application of the petitioner dated 11.09.2015 filed under Sections 4(2) and 5(2) of Tamil Nadu Land Tenancy Act and pass suitable orders thereon, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner, respondents 3 and 4 as well as other interested parties, if any.

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector

Trichy,

Trichy District.

2.The Tahsildar

Musiri, Trichy District.

+1cc to M/S.N.R.Balaji, Advocate SR.No. 90207

+1cc to M/S.K.Govindarajan, Advocate SR.No. 90278

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29.11.2017

RM