

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.VENUGOPAL
AND
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.5302 of 2018
and
W.M.P.No.6528 of 2018

1. R.Selvam
2. S.Shanthi

.. Petitioners

Vs.

1. The State of Tamil Nadu,
Rep. by its Commissioner,
Land Administration,
Ezhilagam, Chempauk,
Chennai-600 005.
2. The District Collector,
Salem District,
Collectorate Campus,
First Agraharam,
Salem-636 001.
3. The Revenue Divisional Officer,
Collectorate Campus,
Salem District, Salem-636 001.
4. The Tahsildar,
Salem South Taluk,
Maniyanur, Salem-636 010.
5. The Revenue Inspector,
Kondalampatty Firka,
Salem South Taluk,
Salem-636 010.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents to issue 'Assignment Patta' in favour of the first petitioner for the lands in S.No.157 measuring an extent of 70 cents out of the total extent of 137 cents (0.55.5 Ares) and in S.No.183 measuring an extent of 4 cents (0.01.5 Ares) and to issue 'Assignment Patta' in favour of the second petitioner for the land in S.No.156/1 measuring an extent of 153 cents (0.62.0

Ares) totalling to an extent of 2 Acres 27 Cents situated at Thathagapatty Village, Salem South Taluk, Salem District.

For petitioner : Mr.S.Kadarkarai

For respondents : Mr.A.N.Thambidurai, Spl.G.P.

ORDER

(The Order of the Court was made by M.Venugopal, J)

Heard the learned counsel for the petitioners and the learned Special Government Pleader appearing for the respondents. By consent of the learned counsel appearing for the parties, the main Writ Petition itself is taken up for final disposal.

2. The petitioners in this Writ Petition, have prayed for issuance of a Writ of Mandamus to direct the respondents to issue 'Assignment Patta' in favour of the first petitioner for the lands in S.No.157 measuring an extent of 70 cents out of the total extent of 137 cents (0.55.5 Ares) and in S.No.183 measuring an extent of 4 cents (0.01.5 Ares) and to issue 'Assignment Patta' in favour of the second petitioner for the land in S.No.156/1 measuring an extent of 153 cents (0.62.0 Ares), totalling to an extent of 2 Acres 27 Cents situated at Thathagapatty Village, Salem South Taluk, Salem District.

3. At this juncture, the learned counsel for the petitioners fairly submitted that the petitioners are only confining their relief in this Writ Petition to the extent that the appeal preferred by the petitioners, which is pending before the third respondent-RDO, as against the notice issued under Section 6 of the Tamil Nadu Land Encroachment Act by the fourth respondent-Tahsildar, may be directed to be disposed of by the third respondent-RDO.

4. Taking note of the above said submission, this Court, without traversing upon the merits and contentions of the appeal preferred by the petitioners and also not delving into the same, at this stage, simpliciter, directs the third respondent-RDO to dispose of the said appeal preferred by the petitioners, within a period of three months from the date of receipt of a copy of this order, of course, after providing necessary opportunity of hearing to the petitioners, complainant, if any, and others concerned. This Court, very pertinently points out that the third respondent-RDO shall advert to all the factual and legal aspects raised in the said appeal preferred by the petitioners and to deal with the same one way or the other. The petitioners are directed to lend their unstinted co-operation and assistance to the third respondent-RDO in disposing of the said appeal within the said time limit adumbrated by this Court. Also this Court makes it quite clear that if the petitioners are not

lending their assistance and co-operation, then it is open for the third respondent to take necessary steps in informing the TNEB/TANGEDCO officials of the area/local jurisdiction, for effecting disconnection of electricity supply to the place in question.

5. With the above observations and directions, the Writ Petition is disposed of. No costs. Consequently, W.M.P. is closed.

-s/d-

Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

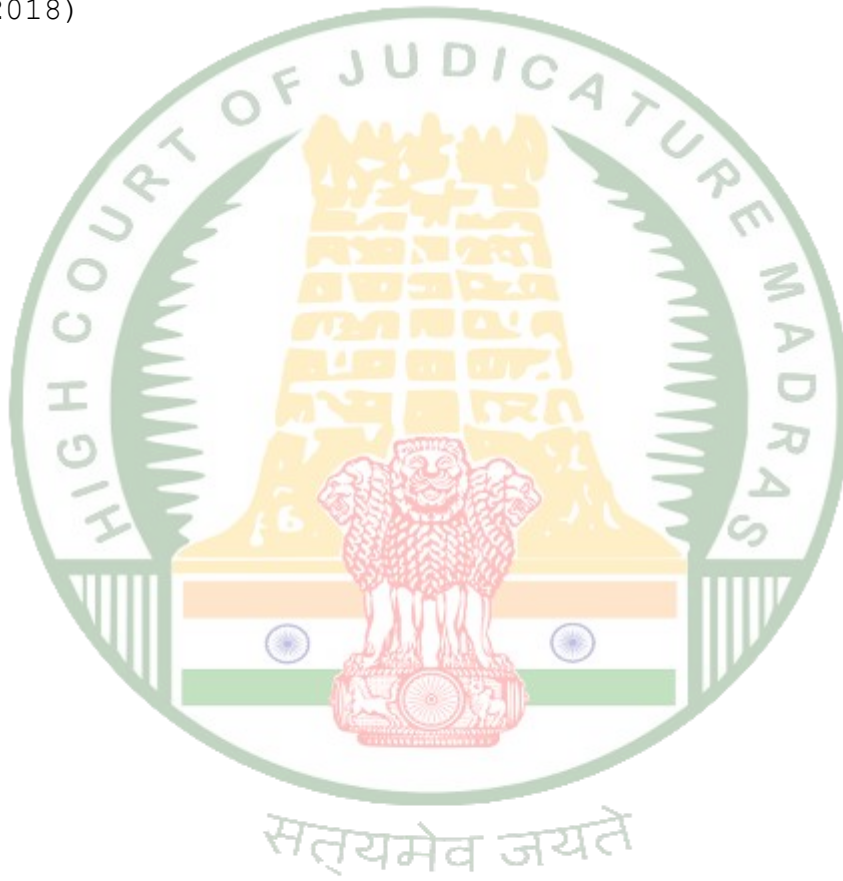
CS
To

1. The State of Tamil Nadu,
Rep. by its Commissioner,
Land Administration,
Ezhilagam, Chepauk,
Chennai-600 005.
2. The District Collector,
Salem District,
Collectorate Campus,
First Agraharam,
Salem-636 001.
3. The Revenue Divisional Officer,
Collectorate Campus,
Salem District, Salem-636 001.
4. The Tahsildar,
Salem South Taluk,
Maniyanur, Salem-636 010.
5. The Revenue Inspector,
Kondalampatty Firka,
Salem South Taluk,
Salem-636 010.

+1 CC to Mr.S.Kadarkarai, advocate sr 17955.
+1 CC to Govt. Pleader sr 18940.

W.P.No.5302 of 2018

KS (CO)
SP (22/03/2018)



WEB COPY