

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2018

CORAM:

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

W.P.No.6289 of 2018

Selvi

.. Petitioner

Vs.

1. The District Collector,
Thiruvallur District.
2. The Tahsildar,
Taluk Office,
Ponneri Taluk,
Thiruvallur District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the first respondent for speedy disposal of the Appeal in Na.Ka.2151/2017/aa2 in time frame that may be fixed by this Court, based on the petitioner's representation, dated 26.12.2017.

For Petitioner : Mr.N.Chinnaraj

For Respondents : Ms.M.Lalitha, Govt. Advocate

ORDER

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

The petitioner has filed the above Writ Petition praying for issuance of a Writ of Mandamus to direct the first respondent for speedy disposal of the Appeal in Na.Ka.2151/2017/aa2 in time frame that may be fixed by this Court, based on the petitioner's representation, dated 26.12.2017.

2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials available on record. By consent of the learned counsel appearing for the parties, the Writ Petition itself is taken up for final disposal.

3. According to the petitioner, her house is located in S.F.No.389/2, Sompattu Village, Killikodi Post, Ponneri Taluk, Thiruvallur District, which is classified in the Revenue Records as "Manthavelli Poramboke" and the total extent of the said S.F.No.389/2 is 1.07.0. According to her, S.F.No.389/1 is classified in the Revenue Records as 'Grama Natham'. It is the stand of the petitioner that the land in S.F.No.389/1 is not suitable for living and did not have road and other basic needs. The petitioner and other village people had chosen to live in S.F.No.389/2 and the said Grama Natham land is still vacant.

4. The petitioner and her villagers had constructed houses in the said survey number and living there without any hindrance from any quarter. She had obtained electricity connection and water connection from the competent authority in her name. She is also possessing Ration Card, Voter ID Card and Aadhaar Card, apart from having Bank Account in her house address. She had also paid property tax and the respondents have laid Road and water facility in the area.

5. The stand of the petitioner is that the area in which her house is situated, does not belong to any water-body and she, along with the villagers, had given a representation, dated 17.05.2013 before the respondents, but however, no action was taken, and thereafter, on 16.09.2015, again they have presented a representation and based on the said representation, the Revenue Divisional Officer and the second respondent-Tahsildar had visited and conducted enquiry. After enquiry, an assurance was given to them that the Patta will be issued soon. However, till date, no Patta had been issued in her favour.

6. According to the petitioner, on 28.11.2016, the Revenue Inspector had issued notice in Na.Ka.No.3192/2016/Aa1, and based on the said notice, the petitioner, along with her villagers, took part in the enquiry on 13.12.2016 and submitted all their records/documents. However, after enquiry, an eviction order was passed by the second respondent, and as against the said order, the petitioner, along with the other villagers, preferred appeal before the first respondent-District Collector. Based on the said appeal, the petitioner and others were directed to appear before the first respondent on 14.02.2017. After recording evidence and filing of documents, the first respondent, after completion of enquiry, had not passed any order so far. Hence, the petitioner has submitted her representation in person before the first respondent on 26.12.2017, which was received by the first respondent and in spite of the same, no effective action had been taken on the side of the first respondent to consider the petitioner's representation. Hence, the petitioner has filed the present Writ Petition.

7. It is not in dispute that the appeal/representation preferred by the petitioner and other villagers, was heard by the first respondent/District Collector. After completion of enquiry, till date, no orders had been passed by the first respondent in the pending appeal/representation.

8. Considering the fact that the petitioner's appeal/representation is pending on the file of the first respondent/District Collector, this Court, on the basis of equity, fair play, good conscience and even as a matter of prudence, directs the first respondent-District Collector to look into the said representation/appeal of the petitioner, dated 26.12.2017 with all seriousness and earnestness and consequently, to pass necessary orders in the said appeal/representation preferred by the petitioner, on or before 08.06.2018 and dispose of the said appeal/representation, of course, in the manner known to law and in accordance with law.

9. Before parting with the case, this Court makes it clear that if any adverse order is passed by the first respondent against the petitioner in the appeal preferred by her, then the next available course of action for the petitioner is to prefer a Revision before the competent authority. In this connection, the petitioner is directed to avail of such remedy of Revision, if the situation so warrants/need. Till such time the appeal/representation is disposed of and thereafter, Revision, if any preferred is disposed of, the possession of the petitioner shall not be disturbed.

10. With the above observations and directions, the Writ Petition is disposed of. No costs.

11. Post the Writ Petition "for reporting compliance" on 22.06.2018.

Sd/-
सत्यमेव जयते
Assistant Registrar(CS III)

//True Copy//

WEB COPY
Sub Assistant Registrar

CS

To

1. The District Collector, Thiruvallur District.

2. The Tahsildar,
Taluk Office,
Ponneri Taluk, Thiruvallur District.

+1cc to Mr.M.Mariappan, Advocate, S.R.No.20805

+1cc to the Government Pleader, S.R.No.21430

W.P.No.6289 of 2018

PVS (CO)

RRK (04/04/2018)



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