

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:10.01.2018

CORAM

THE HONOURABLE MR.JUSTICE RAVICHANDRABAABU

W.P.No.575 of 2018

and

W.M.P.No.709 of 2018

Paramathi-Velur Vattam Raja Vaikkal
Madaghu Neer Paichuvor Matrum
Aatru Padugai Guthagai Tharargal Arakkattalai,
Pilikkalpalayam Village, Jedarpalayam (Via)
Paramathi vellur (Taluk)
Namakkal District rep. by
P.M.Palanisamy

... Petitioner

vs.

1. The State of Tamilnadu,
rep. By Secretary to Government,
Public Works Department,
Fort St.George,
Chennai - 600 009.
2. The District Collector,
Namakkal District, Namakkal.
3. The Executive Engineer,
P.W.D. (W.R.O.)
Sarabanga Basin Division,
Namakkal.
4. The Assistant Executive Engineer/
Sub Divisional Officer,
P.W.D. (W.R.O.)
Sarabanga Basin Division,
Namakkal.
5. The Junior Engineer,
P.W.D. (W.R.O.)
Sarabanga Basin Division,
Paramathi Vellore Taluk,
Namakkal District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 3rd respondent to consider the representation of the petitioner dated 31.10.2017 to receive the lease rent and permit them to peacefully do the agricultural operations in S.F.No.47, Bommalapalayam Village, S.F.No.393, M.Kunnathur Village, S.F.No.50, A.Kunnathur Village, S.F.No.392, Anangur Village, Namakkal District which belongs to the PWD Department.

For Petitioner : Mr.N.Umapathi

For Respondents : Mr.D.Surya Narayanan
Additional Government Pleader

O R D E R

Mr.D.Surya Narayanan, learned Additional Government Pleader takes notice for the respondents. By consent of the parties, the main writ petition itself is taken up for final disposal.

2. The petitioner seeks for the following relief:

To issue a Writ of Mandamus directing the 3rd respondent to consider the representation of the petitioner dated 31.10.2017 to receive the lease rent and permit them to peacefully do the agricultural operations in S.F.No.47, Bommalapalayam Village, S.F.No.393, M.Kunnathur Village, S.F.No.50, A.Kunnathur Village, S.F.No.392, Anangur Village, Namakkal District, which belongs to the PWD Department.

3. Heard both sides.

4. It is stated that the petitioners have occupied the Cauvery Padugai lands in S.F.No.47, Bommalapalayam Village, S.F.No.393, M.Kunnathur Village, S.F.No.50, A.Kunnathur Village, S.F.No.392, Anangur Village, Namakkal District which belongs to the PWD Department and that they are in possession and enjoyment of the property by cultivating the same also by paying the rent at the rate of 7% of the value of the land. It is stated that the Public Works Department was collecting the rent from the petitioners all along till 30.06.2017. However, due to historical drought situation prevailed all over Tamil Nadu, more particularly, in the Cauvery Region, it is stated that the petitioners were unable to cultivate the crops and therefore, they made a representation on 31.10.2017 to receive the lease rent and permit them to cultivate the land. The grievance of the petitioner is that the said request has not been considered so far.

5. This Court, at this stage, is not expressing any view on the claim made by the petitioners, as it is for the 3rd respondent to consider and decide the same. Thus, this writ petition is disposed of, only with a direction to the 3rd respondent to consider the representation of the petitioners dated 31.10.2017 and pass orders on the same on merits and in accordance with law, after giving due opportunity of hearing to the petitioners. Such exercise shall be done by the 3rd respondent within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vsi

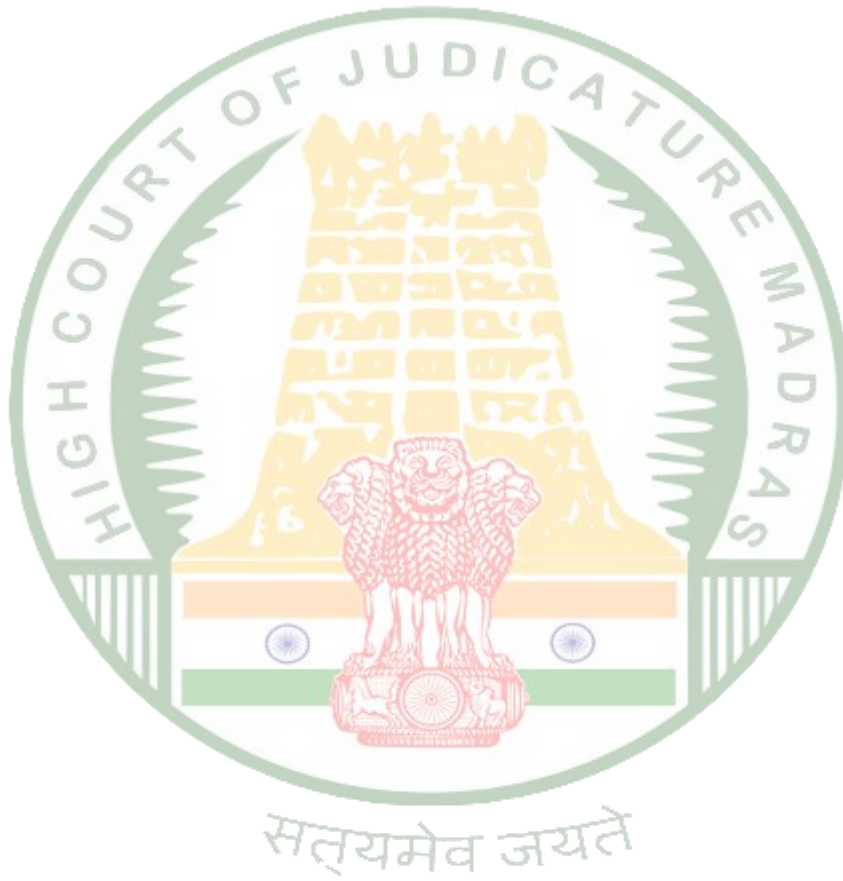
To

1. The State of Tamilnadu,
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Chennai - 600 009.
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Namakkal.
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Sarabanga Basin Division,
Paramathi Vellore Taluk,
Namakkal District.

+1cc to Mr.N.Umapathi, Advocate, S.R.No.2087
+1cc to the Government Pleader, S.R.No.2387

gp(CO)
sk(03/02/2018)

W.P.No.575 of 2018



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