

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2018

CORAM:

THE HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.5228 of 2010
and M.P.No.1 of 2010

Mr.Swamy Sahaja Nanda
Pothunala Sangam,
Rep by its President Mr.R.Jayakumar,
Swamy Sahajananda Nagar,
Thonda Natham Village,
Cuddalur Taluk, Cuddalur District.

... Petitioner

Vs.

1. The District Collector,
Cuddalur District, Cuddalur.
2. The Tahsildar,
Cuddalur Taluk, Cuddalur.
3. The Village Administrative Officer,
Thondanatham Village, Cuddalur Taluk,
Cuddalore District.
- 4.Mr.Natarajan.
- 5.Mrs.Manjula.

.... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the Respondents 1 to 3 herein to consider the Petitioner's Representations dated 7.10.2009 and 16.11.2009 respectively and dispose of the same at the earliest.

For Petitioner : Mr.J.Kannan

For Respondents : Mr.V.Shanmugasundar,

Special Government Pleader for R1 to R3

ORDER

The writ petition has been filed to issue a Writ of Mandamus, directing the Respondents 1 to 3 herein to consider the Petitioner's Representations dated 7.10.2009 and 16.11.2009 respectively and to dispose of the same at the earliest.

2. According to the petitioner, the properties measuring to an extent of Ac.1.50 comprised in S.No.430/8, 430/9 and Ac.2.00 in S.No.300/5, to the total extent of Ac.3.50 in Thondamantham

Village, Cuddalore District, have been in possession and enjoyment by the petitioner Association for various decades without any hindrance.

3. In the said circumstances, in order to protect the above said properties from encroachers and land grabbers, the petitioner Association submitted the representations for grant of patta to the said properties to the concerned authorities on 07.10.2009 and 16.11.2009 respectively and the process of the said representations are still pending with the authorities concerned.

4. In the meanwhile, the fourth and fifth respondents tried to trespass and interfered with the possession and enjoyment of the petitioner Association in the subject properties. Therefore, the petitioner once again approached the first and second respondents to grant patta to the subject properties in order to restrain the fourth and fifth respondents from trespassing the same. Since no action was forthcoming from the respondents, the petitioner filed this writ petition for the relief as prayed for.

5. Mr.V.Shanmugasundar, learned Special Government Pleader appearing for the respondents, submitted that the first and second respondents may be directed to consider the petitioner's representations dated 07.10.2009 and 16.11.2009 respectively and pass orders on merits and in accordance with law.

6. In view of the facts and circumstances of the present case and having regard to the submissions made by the learned counsel on either side and also taking into consideration the limited prayer sought for in the writ petition, this Court directs the first and second respondents to consider the petitioner's representations dated 07.10.2009 and 16.11.2009 respectively and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of hearing to the petitioner, fourth and fifth respondents as well as any of the interested parties, within a period of six weeks from the date of receipt of a copy of this order.

7. Accordingly, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

s/d-

Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

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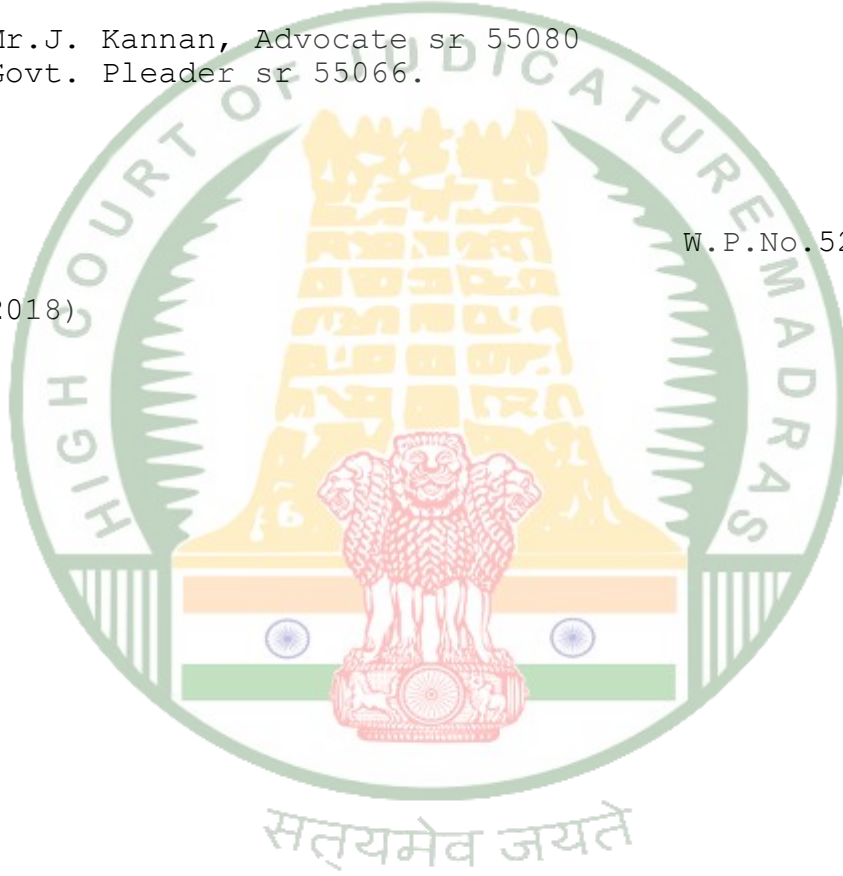
To

1. The District Collector,
Cuddalur District, Cuddalur.
2. The Tahsildar,
Cuddalur Taluk, Cuddalur.
3. The Village Administrative Officer,
Thondanatham Village, Cuddalur Taluk.
Cuddalore District.

+1 CC to Mr.J. Kannan, Advocate sr 55080
+1 CC to Govt. Pleader sr 55066.

W.P.No.5228 of 2010

SP(19/09/2018)



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