

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2018

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.No. 23582 of 2018

E.Jaya

.. Petitioner

Vs

1. The Principal Secretary to
The Government of Tamil Nadu
Revenue Department
Fort St.George, Chennai - 600 009.
2. The District Collector
Dharmapuri District
Collector Office Compound
Dharmapuri - 636 705.
3. The District Revenue Officer
Dharmapuri District
Collector Office Compound
Dharmapuri - 636 705.
4. The District Adhi Dravidar Welfare Officer
Dharmapuri District
Collector Office Compound
Dharmapuri - 636 705.
5. The Special Thasildhar (Adhi Dravidar Welfare)
Dharmapuri District
Collector Office Compound
Dharmapuri - 636 705.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents to pass the Government order for granting patta in Survey No.440/1B admeasuring 3.13.0 Hectares, in A.Reddy Halli Village, in Dharmapuri Taluk as ordered by the 3rd respondent by his proceedings in Na.Ka.No.28094/2009/Adhi Na/Ko1 dated 13.07.2017 based on petitioner's representation dated 07.09.2017 and 23.08.2018 and consequently direct them to grant the same only to the affected parties in the land acquisition proceedings by NHAI.

For Petitioner : Mr.M.Vijay Anand

For Respondents : Mr.V.Jayaprakash Narayanan
Special Govt. Pleader

ORDER

The petitioner has come up with this writ petition seeking a direction to the respondents to pass order for granting patta in S.No.440/1B, A.Reddyhalli village, Dharmapuri Taluk, as ordered by the third respondent by his proceedings dated 13.07.2017, based on the petitioner's representation dated 07.09.2017 and 23.08.2018 and other consequential reliefs.

2.Heard the learned counsel for the petitioner as well as learned Special Government Pleader appearing for the respondents.

3.According to the learned counsel for the petitioner, the Government of Tamil Nadu has acquired the land comprised in S.Nos.440/1B1A, 440/1B1B and 440/1B1C situated at A.Reddihalli village, Dharmapuri Taluk and District for the purpose of allotment of house sites and patta for the poor people in the Arunthathiyar and Adhi Dravidar community during the year 1997. The fifth respondent after due enquiry, issued patta and allotted house sites to the petitioner and other people. Thereafter, the National Highways Authority of India has acquired a major portion of the house sites allotted to the petitioner and other people for laying a new four way highway lane. Though the petitioner along with other beneficiaries gave several representations to the respondents, no action was initiated by them. Whiles, the fourth respondent by his proceedings dated 16.08.2016 recommended the third respondent to grant patta to the really affected people. The third respondent by his proceedings dated 13.07.2017 in Na.Ka.No.28094/2009/Adhi Na/Kol, after considering all recommendations and Government orders, passed an order directing the fifth respondent to grant patta in favour of the affected parties. But the respondents failed to pass necessary Government orders for granting patta in S.No.440/1B admeasuring 3.13.0 Hectares in A.reddyhalli village, Dharmapuri Taluk. On 07.09.2017 and 23.08.2018, the petitioner has submitted his detailed representations to the respondents claiming the same relief as prayed in this writ petition, but the said representations are yet to be disposed of by the respondents. As the above said

process is pending for decades, the petitioner is before this Court.

4.The learned Special Government Pleader submitted that the respondents be directed to consider the petitioner's representation and pass orders in accordance with law.

5.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, as the petitioner claims that patta shall be granted on the basis of recommendation made by the third respondent by his proceedings dated 13.07.2017 in Na.Ka.No.28094/2009/Adhi Na/Kol, this Court directs the respondents to consider the petitioner's representations dated 07.09.2017 and 23.08.2018 and pass appropriate orders, based on the aforesaid recommendation dated 13.07.2017, on merits and in accordance with law, after affording due opportunity of hearing to the petitioner 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.

6.Accordingly, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS ix)

//True Copy//

Sub Assistant Registrar

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To

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2. The District Collector,
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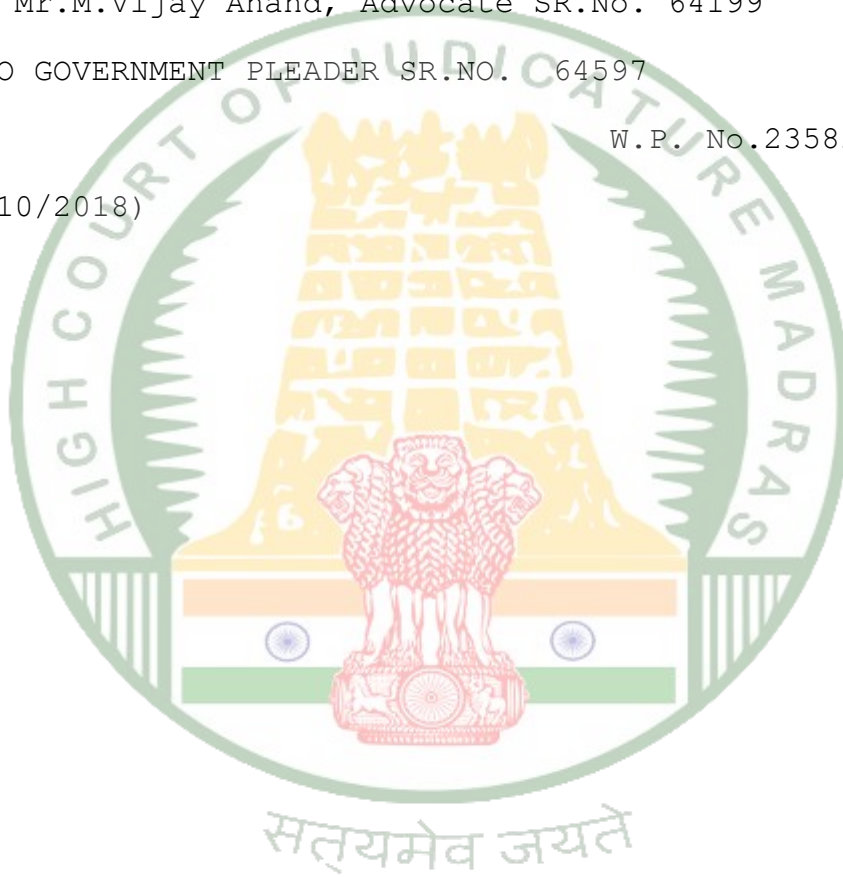
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+1cc to Mr.M.Vijay Anand, Advocate SR.No. 64199

+1 CC TO GOVERNMENT PLEADER SR.NO. 64597

W.P. No.23582 of 2018

ASK(03/10/2018)



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