

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2018

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.7030 of 2014

K.Rajendran

... Petitioner

vs.

1. The Commissioner of Land Administration,
Ezhilagam, Chepauk,
Chennai - 600 005.

2. The District Revenue Officer,
Salem District, Salem.

3. The Revenue Divisional Officer,
Attur, Salem District.

4. The Tahshildar ,
Gangavalli Taluk,
Salem District.

5.Pitchaipillai @ Pichaimuthu

6.Thavamani

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a writ of Mandamus directing the fourth respondent to dispose of the representation dated 05.07.2013 of the petitioner within a time frame as may fixed by the Court.

For Petitioner : M/s. K.Sivasubramanian

For Respondents : M/s.R.S.Selvam

Government Advocate for R.1 to R.4

: Mr.A.Govindaswamy, for R.5

: R.6- dismissed vide court order
dated 01.10.2015.

O R D E R

The relief sought for in the present writ petition is for a direction to direct the fourth respondent to dispose of the representation dated 05.07.2013 of the petitioner within a time frame.

2. The learned counsel for the writ petitioner states that the assignment was already granted in favour of the writ petitioner. However, the changes are not made in the revenue registers in this regard. Thus, the writ petitioner has made a representation to the 4th respondent to consider his claim and pass appropriate orders. In view of the fact that the representation is kept pending for long time, the writ petitioner is constrained to move the present writ petition.

3. The Learned Government Advocate appearing on behalf of the respondent relying on the counter affidavit filed by the 3rd respondent in W.P.No.7029 of 2014 states that the lands which the petitioner purchased from power agent is a land already assigned to one Chinnammal in 18/AM/19 dated 16.11.1985 and "D" card was issued imposing conditions.

4. The assignee violated the assignment condition No.13 and 20 and sold the assigned lands without obtaining permission from the authorities. A Show-cause notice is under progress and will be send to the assignee and an enquiry will be conferred. Thus, the petitioner's representation cannot be considered before concluding the enquiry.

5. In view of the above submission made by the respective learned counsels appearing on behalf of the parties, this Court is of an opinion that, all such facts and circumstances now raised by the respective parties are to be adjudicated by conducting a detailed enquiry and by following the relevant revenue records. Accordingly, the respondents are bound to conduct an enquiry by following the revenue records, take decision and pass orders on merits and in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order. Accordingly the writ petition stands disposed of. No Costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

pkn

To

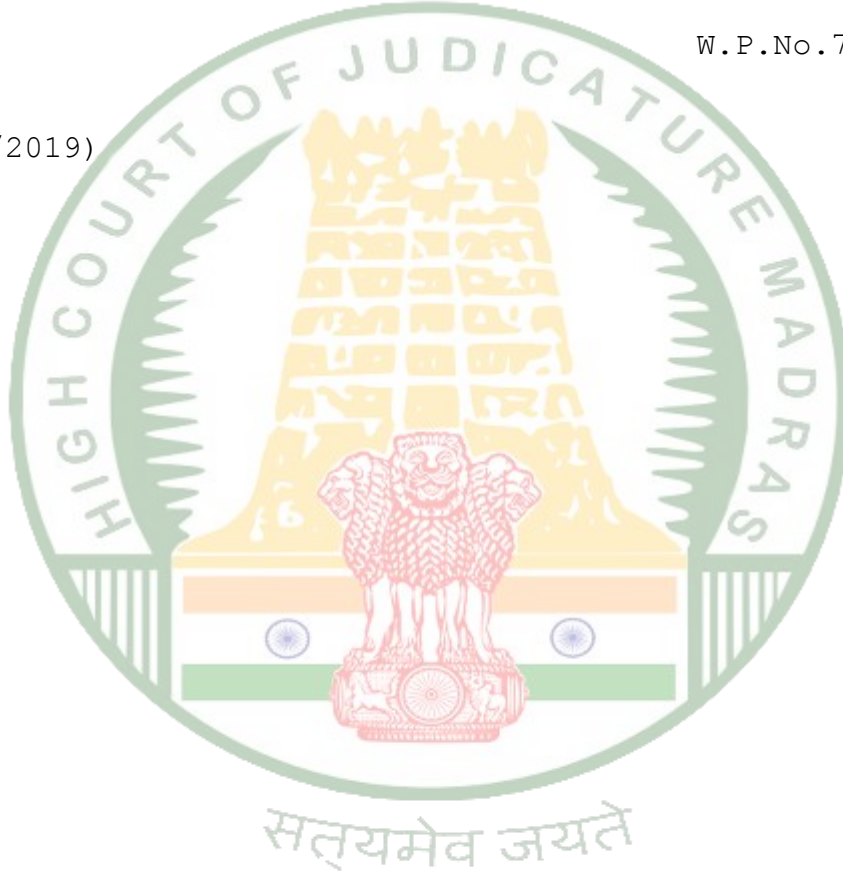
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+lcc to Mr.K.Sivasubramaniam, Advocate, S.R.No.76338

W.P.No.7030 of 2014

GJII(CO)
GSP(02/01/2019)



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