



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 08.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P (MD) No.2561 of 2018

Durairaj

.. Petitioner

Vs.

1.The District Collector,
Sivagangai District.

2.The Revenue Divisional Officer,
Devakottai Taluk,
Sivagangai District.

3.The Tahsildar,
Devakottai Taluk,
Sivagangai District.

4.Bose

.. Respondents

PRAYER: Writ Petition is 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 cancel the assignment made in favour of the 4th respondent in respect of the land in S.No.57/5 of an extent of 1 Acre situated at Talaiyur Village, Devakottai Taluk, Sivagangai District based on petitioner's representation dated 13.12.2017.

For Petitioner : Mr.B.Santhanam Rajeshkumar
For Respondents : Mr.A.Muthukaruppan
Additional Government Pleader
for R.1 to R.3

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

By consent, the Writ Petition itself is taken up for final disposal.

2. Mr.A.Muthukaruppan, learned Additional Government Pleader accepts notice on behalf of respondents 1 to 3.

3. The petitioner, who claims to be a resident of Thalaiyur Village, Devakottai Taluk, Sivagangai District, came forward to file this writ petition as Public Interest Litigation stating among other things that the land admeasuring to an extent of 1 Acre in Survey No.57/5 is a Government Poramboke land and adjacent to the said

land, there is a water body, which remains as a main water source for the residents of the said village and during raining season, the rain water used to flow through the land in the said Survey Number. The petitioner expressed his grievance that the family members of the fourth respondent as well as the fourth respondent are the owners of the following extent of lands:

Devakottai Municipality

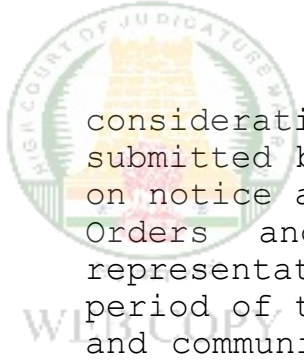
Patta No.	Name	Survey No.	Extent
43	Malliga Wife of 4 th respondent	B/3-29	24.75 sq ft
45	Bose (4 th respondent)	B/3/1A1-34/1A3	370.0 Sq ft
45	Bose (4 th respondent)	B/3/1A3-34	0101.0 Sq ft
(Thalaiyur group)			
57	Sunderesan (4 th respondent son)	57/4	80 cents

Despite the said fact, the fourth respondent managed to get assignment of the land admeasuring to an extent of 0.37.00 Ares in Survey No.57/5 of Thalaiyur Village, Devakottai Taluk, Sivagangai District and he has also been issued with Patta No.308.

4. The learned Counsel appearing for the petitioner has drawn the attention of this Court to G.O.Ms.No.854 of Revenue Ni.Mu.1(2) Department, dated 30.12.2006 as well as the information furnished to him by the Public Information Officer, Personal Assistant to the District Collector(genera) of Sivagangai District, dated 19.02.2014 in Na.Ka.C2/2083/2014 and would state that the persons, who are already in possession of the land, cannot be assigned with any land and the said scheme is to benefit the poor only and using influence, the fourth respondent managed to get the assignment of the said land and in this regard, the petitioner submitted representations dated 11.12.2017 and 13.12.2017 and inspite of receipt of acknowledgement, no orders have been passed so far and hence the petitioner is constrained to approach this Court by filing this writ petition.

5. Heard the submissions made by the learned Counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 3.

6. This Court, taking into consideration the above facts and circumstances of the case and without going into the merits of the claim projected by the petitioner either in his representations or in this writ petition, directs the third respondent to take into



consideration the representations, dated 11.12.2017 and 13.12.2017 submitted by the petitioner and after putting the fourth respondent on notice and also taking into consideration the relevant Government Orders and administration instructions, dispose of the said representations on merits and in accordance with law, within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner as well as the fourth respondent.

7. The Writ Petition stands disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

- 1.The District Collector,
Sivagangai District.
- 2.The Revenue Divisional Officer,
Devakottai Taluk,
Sivagangai District.
- 3.The Tahsildar,
Devakottai Taluk,
Sivagangai District.

+1cc to M/S.B.Santhanam Rajeshkumar, Advocate SR.No. 47569

ORDER MADE IN
W.P (MD) No.2561 of 2018
08.02.2018

rmi/ssl
JM/SKN RSK/SAR 1/21.02.2018/3P/5C