



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.10027 of 2013

and

M.P. No.1 of 2013

1.R.Babu
2.R.Rajavelu
3.Anjalai
4.Nagammal

... Petitioners

Vs

1.The District Collector,
Kanchipuram District,
Kanchipuram.

2.The President,
Keezhperamanallur Village Panchayat,
Keezhperamanallur Village,
Kanchipuram Taluk & District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the second respondent not to auction the six tamarind trees in S.No.141 and 2 tamarind trees in S.No.151 in Melperamanallur Village, within Keezhperamanallur Village Panchayat, Kanchipuram Taluk & District.

For Petitioners : Mr.T.Sathiyamoorthy

For Respondents : Mrs.P.Rajalakshmi,
Additional Government Pleader

ORDER

The writ petition has been filed seeking a direction to the second respondent not to auction the six tamarind trees situated at Melperamanallur Village, Keezhperamanallur Village Panchayat, Kanchipuram Taluk & District.

2.Learned counsel appearing for the petitioners would submit that the petitioners' father had planted six tamarind trees in S.No.141 situated at Melperamanallur Village, Keezhperamanallur Village Panchayat in Kanchipuram Taluk & District and he had been maintaining the same without obtaining any benefit from the Government. Subsequently, the Government



has issued patta in the year 1966 in respect of the said 6 tamarind trees whereby the petitioners' family were entitled to enjoy the usufructs of the trees. After demise of the petitioners' father in the year 2003, the fourth petitioner has been paying taxes for the same. In the meanwhile, the second respondent herein threatened the petitioners to the effect that he would auction the said tamarind trees. Therefore, the petitioners gave representation to the District Collector, the first respondent herein on 20.02.2012 requesting him to direct the second respondent not to auction the tamarind trees in respect of which 2C patta has been granted to their father and the fourth petitioner herein. Finding no response, the petitioners had filed W.P. No.10451 of 2012 seeking a direction to the District Collector, Kancheepuram to consider their representation dated 20.02.2012. This Court, by order dated 17.04.2012 while disposing of the writ petition, directed the first respondent to consider their representation in accordance with law and on merits. As the same has not been considered, the petitioners have been advised to come to this Court.

3.Learned counsel appearing for the petitioners would further submit that the petitioners have been paying annually Rs.36/- for the entire 11 trees as fixed by the Government.

4.Learned Additional Government Pleader appearing for the respondents, placing a copy of the Proceedings dated 20.11.2019 issued by the second respondent, would submit that the petitioners had not paid even Rs.36/- from the year 2003.

5.Since the learned counsel appearing for the petitioners is not able to produce any document to show that the petitioners' family have been paying the tax for the said tamarind trees, this Court is of the view that the petitioners are not prompt in paying the tax and they are willful defaulter, therefore, this Court is not able to entertain the writ petition. Accordingly, the writ petition fails and the same is dismissed. Consequently, connected M.P. is closed. No costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

Vga



To

1.The District Collector,
Kanchipuram District,
Kanchipuram.

2.The President,
Keezhperamanallur Village Panchayat,
Keezhperamanallur Village,
Kanchipuram Taluk & District.

+1cc to Mr.T.Sathyamoorthy, Advocate, S.R.No. 96984

+1cc to the Government Pleader, S.R.No. 98048

W.P. No.10027 of 2013 and M.P. No.1 of 2013

RSV(CO)
GN(07/01/2020)