

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2019

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.30138 of 2004

A.Thamba @ Ramakrishnan

..Petitioner

Vs

1.Tahsildar,
Krishnagiri.

2.Ranger,
Krishnagiri Forest,
Krishnagiri District.

3.Warden,
Ranger Office,
Krishnagiri.

4.The Surveyor,
Forest Department,
Krishnagiri.

... Respondents

Payer: Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of a Writ of Mandamus, directing the first respondent to issue patta in respect of the agricultural land in Kundarapalli Village belonging to the petitioner in Nos.56, 75, 76, 78 & 349 ad-measuring an extent of 6.20 acres and consequently, restraining the respondents 2 to 4 to pursue their illegal demand.

For Petitioner : Mr.P.R.Balasubramanian

For Respondents : Mr.D.Suriyanarayanan
Additional Government Pleader

O R D E R

Heard Mr.P.R.Balasubramanian, the learned counsel for the petitioner, Mr.D.Suriyanarayanan, learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

2. The petitioner has come forward with this writ petition seeking for issuance of a writ of mandamus, directing

the first respondent to issue patta in respect of his agricultural lands situated at Kundarapalli Village in Survey Nos.56, 75, 76, 78 & 349 ad-measuring an extent of 6.20 acres and consequently, restraining the respondents 2 to 4 to pursue their illegal demand.

3. According to the petitioner, he is a quarry worker. He along with eleven other families are doing quarry operation in Kallukuriki and the said lands are situated in the above survey numbers and they have been enjoying the lands for more than forty years. They also formed an Association in Kallukuriki Village, which was registered under the Tamil Nadu Societies Registration Act vide Certificate No.249/2002 dated 28.11.2002. The petitioner would allege that the representation given to the authorities for issuance of Patta was not considered and hence, the present writ petition.

4. The learned counsel for the petitioner would submit that the petitioner and the eleven other family members belong to Tribes and the quarry operation is the only source for their livelihood. It is also submitted that as per the oral instructions of the first respondent, the petitioner has been conducting quarry operation for more than forty years.

5. The learned Additional Government Pleader appearing for the respondents by producing a letter of the Tahsildar, Krishnagiri dated 05.07.2019 would state that no quarry operation is being carried on now and that major portion of the land has been classified as Government poramboke and some of the lands belong to the private parties.

6. Considering the nature of the prayer sought for in this writ petition and the submissions made by the learned counsel on either side, this Court without going into the merits of the case, directs the petitioner to give a fresh representation to the competent authority within a period of four weeks, by enclosing a copy of this order. On such compliance, the competent authority shall consider the same and pass orders on merits and in accordance with law, after affording an opportunity of personal hearing to all necessary parties within a period of twelve weeks therefrom.

7. With the above direction and observation, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ms

To

1.The Tahsildar,
Krishnagiri.

2.The Ranger,
Krishnagiri Forest,
Krishnagiri District.

3.The Warden,
Ranger Office,
Krishnagiri.

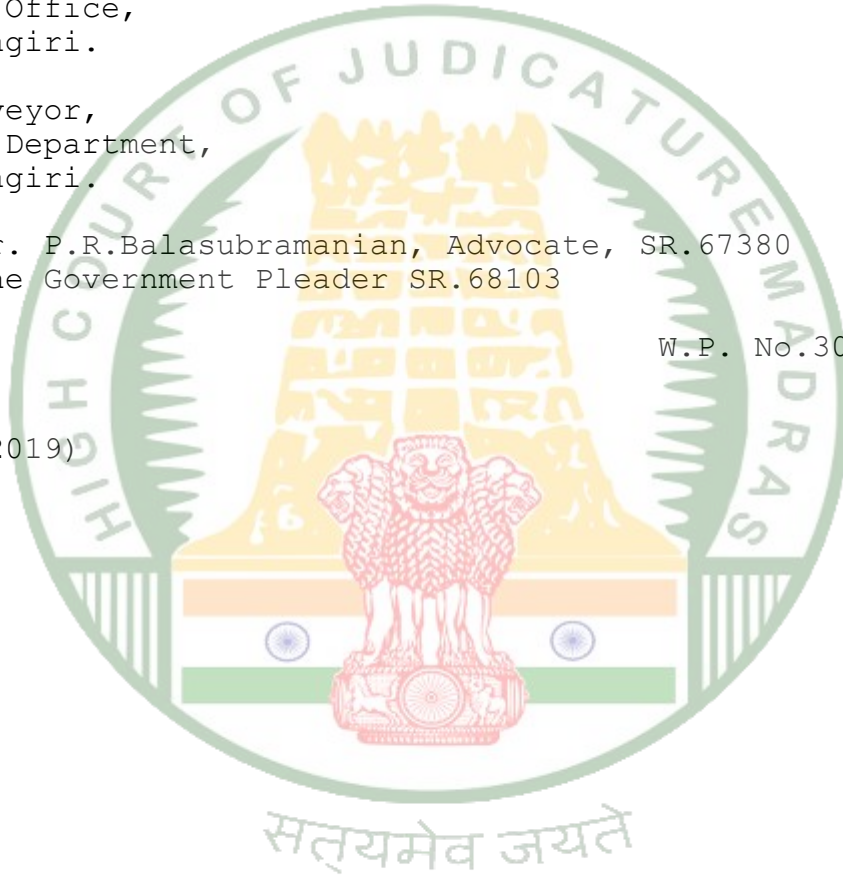
4.The Surveyor,
Forest Department,
Krishnagiri.

+1cc to Mr. P.R.Balasubramanian, Advocate, SR.67380

+1cc to the Government Pleader SR.68103

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RGN(CO)
CB(04/10/2019)



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