

IN THE HIGH COURT OF JUDICATURE AT MADRAS

03.04.2019

Coram

The Hon'ble Mr.Justice **V.PARTHIBAN**

W.P.No.9568 of 2011

Mr.Sanjay Narayanan,
The Director,
Cosmos

... Petitioner

vs.

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

2.The Collector,
The Nilgiris District,
Udagamandalam.

3.The District Forest Officer,
The Nilgiris North Division,
Udagamandalam.

4.The President,
Barliar Village Panchayath,
Kurumbadi,
Coonoor,
The Nilgiris District

5.The Revenue Divisional Officer,
Coonoor,
Udagamandalam.

6.The Tahsildar,
Coonoor Taluk,
Udagamandalam.

7.The Forest Range Officer,
Coonoor Range,
Coonoor,
Nilgiris District-643 102

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus to direct the first respondent to accord the lease of the 12 feet cart track for the ensuing periods as per the recommendation made by the second respondent vide Na.Ka.u1 No.8523/2007, dated 10.07.2010.

For Petitioner .. Mr.V.Manohar

For Respondents .. Mr.J.Ramesh,A.G.P.
for R1, R2, R5 and R6
Mr.V.Vijay Prashanth
A.G.P.for R3 and R7
M/s.G.Sankaran and R.Sreerangan
for R4

ORDER

सत्यमेव जयते

The present writ petition has been filed seeking for a writ of mandamus to direct the first respondent to accord lease to the 12 feet width cart track for the ensuing periods, as per the recommendation made by the second respondent vide Na.Ka.u1 No.8523/2007, dated 10.07.2010.

2. In response to the notice ordered in the writ petition, a counter affidavit has been filed on behalf of the second respondent accepting the case of the petitioner that the cart track has been used by the petitioner for the past many years without any restraint and the Revenue Department has also been collecting appropriate lease amount from the petitioner. The second respondent has also stated that a fresh lease proposal has already been sent to the first respondent for passing appropriate orders. The said averment as found in Paragraph No.6 of the counter affidavit is extracted hereunder:

"6.I respectfully submit that the petitioner has been using the said cart track for the past many years without any restraint whatsoever and the Revenue Department has also been collecting appropriate lease rent from the petitioner and the fresh lease proposal has already been sent to the first respondent for passing appropriate orders."

3. In view of the categorical admission of facts and the right of the petitioner to have the lease executed in his favour in respect of the subject cart track and in this regard, proposal has already been forwarded to the first respondent and also the fact that appropriate

order has not been passed yet, this Court, in the fitness of things would pass the following direction.

4.The first respondent is directed to pass orders on merits and in accordance with law by entering into a lease in respect of 12 feet width cart track for the ensuing periods, as per the recommendation of the second respondent, dated 10.07.2010, and pass final orders within a period of eight weeks from the date of receipt of copy of this order. The petitioner is also directed to circulate a copy of the affidavit filed in support of the writ petition to the first respondent and the contents of the affidavit may also be taken note of by the first respondent while taking a decision in the matter.

With the above direction, the writ petition stands disposed of. No costs.

सत्यमेव जयते

03.04.2019

msk
Index:Yes/No
Internet:Yes

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To

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V.PARTHIBAN,J.

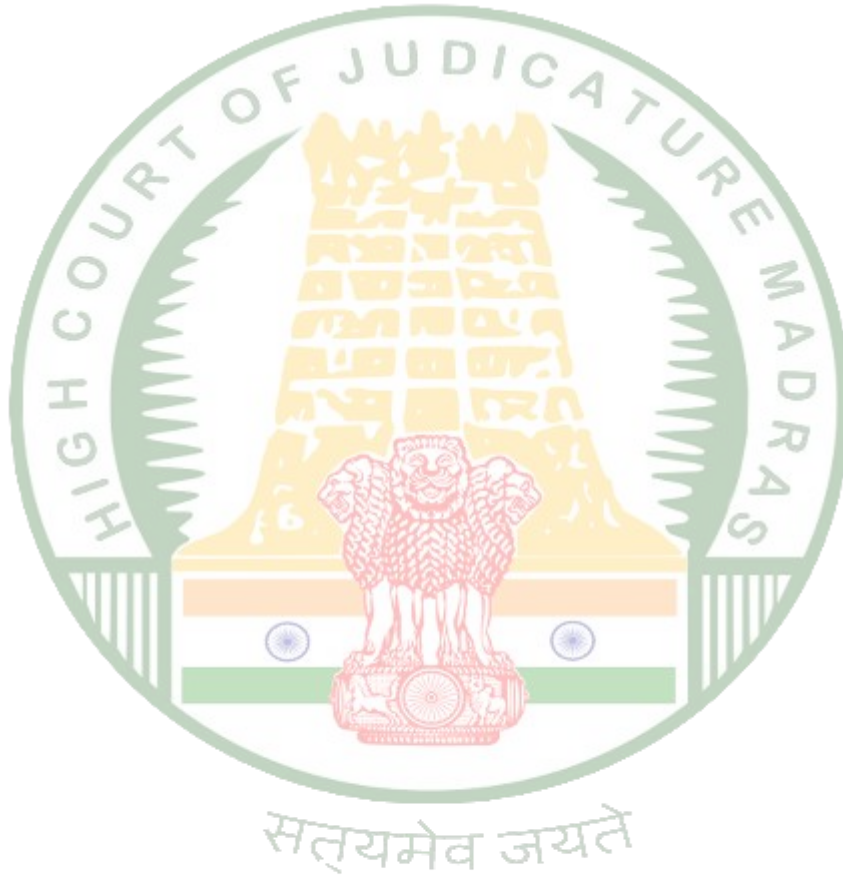
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