

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.4832 of 2014

1.H.Y. Ahmed Sait

2.Fakheer Mohamed

3.Abdul Rahman Cassim Sait
all are represented by their Power Agent

4.Jaffer Mohamed Sait @ Saad Ahmed Sait ... Petitioners

Vs.

1.The Government of Tamil Nadu,
Rep. by Secretary to Government,
Agriculture (MP-1),
Fort St.George, Madras - 9.

2.The Land Acquisition Officer cum Sub Collector,
Cunnoor, Ootacamund District.

3.The Nilgiris District Co-operative Milk Producers Union,
Rep. by its General Manager,
Ootacamund

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the 1st Respondent to denotify the land unused by the 3rd Respondent, measuring over 5 acres in Sur.No.1106/4A3, 1106/4B1, 1106/4C2.

For Petitioners : Ms.Sripriya
for M/s.V.Raghavachari

For Respondents : Mr.C.Thirumaran for R1 and R2
Special Government Pleader
Mr.G.Muniratnam for R3

ORDER

According to the learned counsel for the petitioners, the prayer in the writ petition for issuance of a Writ of Mandamus to direct the 1st Respondent to denotify the land unused by the 3rd Respondent, measuring over 5 acres in Sur.No.1106/4A3, 1106/4B1, 1106/4C2. The petitioners made a representation on 04.10.2012 requesting the Government to transfer the extent of 4 to 5 acres of land, which was kept unutilized, unused and denotified from the acquisition proceedings in S.Nos.1106/4A3, 1106/4B1 and 1106/4C2 but, till date no order has been passed on the representation.

2.The respondents have not chosen to file counter affidavit in the present writ petition from the year 2014. However, the learned counsel for the petitioners has requested that it would suffice, if the first respondent is directed to consider the representation of the petitioners' dated 04.10.2012 and pass orders in accordance with law.

3.The learned Special Government Pleader for the respondents would submit that the contention of the petitioners are disputed, but however, the first respondent Government is the Competent Authority to pass an order.

4. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court without going into the merits of the matter directs the first respondent to consider the representation of the petitioner dated 04.10.2012, on merits and in accordance with law, and pass orders, after giving an opportunity to the third respondent, as expeditiously as possible, preferably within a period of four months from the date of receipt of a copy of this order.

5.With the above observations, the writ petition is disposed of. However, there shall be no order as to costs.

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Sd/-
Assistant Registrar(CS VIII)

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Sub Assistant Registrar

To

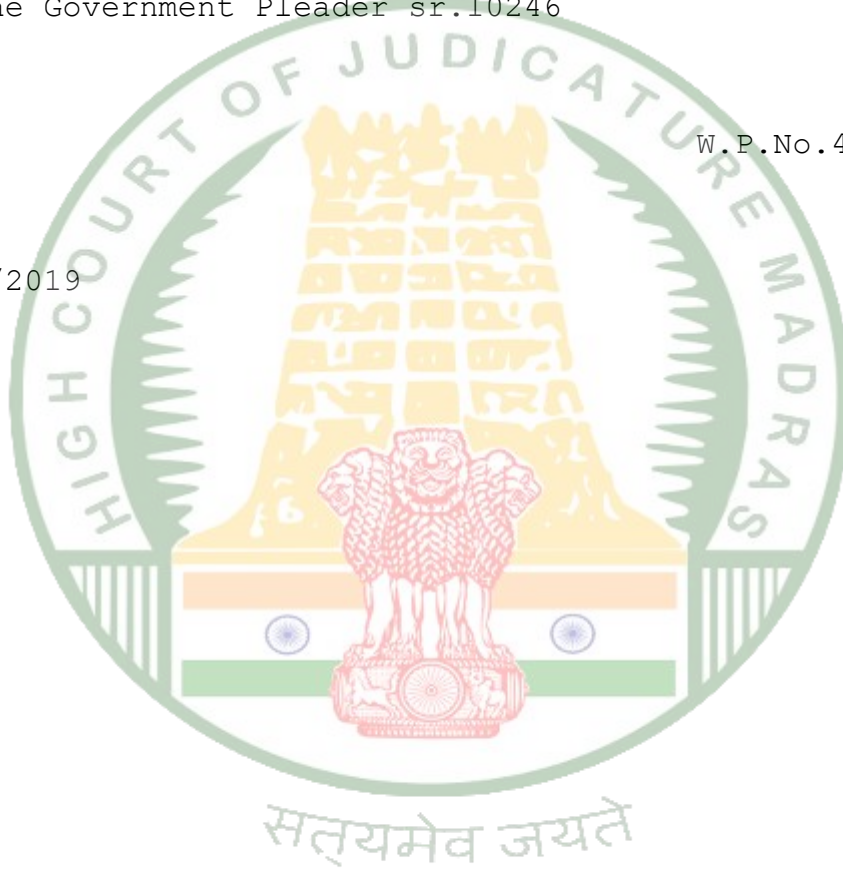
1.The Secretary to Government,
Agriculture (MP-1),
Fort St.George, Madras - 9.

2.The Land Acquisition Officer cum Sub Collector,
Cunnoor, Ootacamund District.

+lcc to Mr.V.Raghavachari, Advocate sr.10014
+lcc to Mr.G.Muniratnam, Advocate sr.10302
+lcc to the Government Pleader sr.10246

W.P.No.4832 of 2014

vd[co]
srg 21/03/2019



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