



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.07.2019

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.14784 of 2019

T.Vadivel

... Petitioner

-Vs-

1.The Tahsildar,
Aundipatty Taluk Office,
Aundipatty, Theni District.

2.The District Collector,
District Collector Office,
Theni District.

... Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents to consider the petitioner's representation dated 03/05/2019 and consequently direct them to issue patta in the petitioners name for the land which is in his possession and enjoyment for the continuous period of 70 years comprised in survey No.1666, Bit 2, Aundipatty Taluk, Theni District.

For Petitioner : Mr.P.V.Gurudevaraj

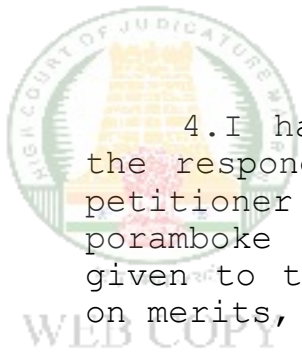
For Respondents : Mr.C.Anand, G.A.

ORDER

The prayer in this writ petition is for a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 03/05/2019 and consequently direct them to issue patta in the petitioners name for the land, which is in his possession and enjoyment for the continuous period of 70 years, comprised in survey No.1666, Bit 2, Aundipatty Taluk, Theni District.

2.Heard Mr.P.V.Gurudevaraj, learned counsel appearing for the petitioner and Mr.V.Anand, learned Government Advocate appearing for the respondents.

3.The learned counsel appearing for the petitioner would submit that, the petitioner has been in continuous possession and enjoyment of the property in Survey No.1666, Bit 2, Aundipatty Taluk, Theni District, which is admittedly, a Government poramboke land. Since the petitioner and his forefathers claimed to have been in continuous possession for the past 70 years, in that capacity, the petitioner seek assignment of land under the landless poor category and accordingly, he made representations dated 24.01.2019 and 03.05.2019 to the respondents and all that, the learned counsel appearing for the petitioner wants that, those representations are to be directed to be considered and decided on merits, within a time frame.



4.I have heard the learned Government Advocate appearing for the respondents, who would submit that, as a matter of right, the petitioner cannot claim any assignment of land of the Government poramboke land. But, now, since representations have also been given to the respondents, the same would be considered and decided on merits, within a time frame.

5.Considering the limited scope of the prayer sought for in this writ petition, with the consent of both the parties, this Court is inclined to dispose of this writ petition, at the admission stage itself, with the following direction:

"The respondents are hereby directed to consider the representations of the petitioner dated 24.01.2019 and 03.05.2019 and pass orders thereon, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that this direction shall not be construed by the respondents that this order has been given after accepting the case of the petitioner on merits. Since the subject land admittedly is a poramboke land, it is for the revenue department i.e., the respondents herein to take a decision pragmatically on need basis and in this regard, it is purely on the discretion of the revenue department to take a decision on merits."

6.With this direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Tahsildar,
Aundipatty Taluk Office,
Aundipatty, Theni District.

2.The District Collector,
District Collector Office,
Theni District.

+1 CC to Mr.P.V.GURUDEVARAJ, Advocate SR-73008.

Order made in
W.P. (MD) No.14784 of 2019
Dated: 03.07.2019