



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.07.2019

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

WEB COPY

W.P. (MD)No.16191 of 2019
and W.M.P. (MD) .No.12887 of 2019

Thomas

... Petitioner

-Vs-

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Revenue Divisional Officer,
Cheranmadevi,
Tirunelveli District.

3.The Tahsildar,
Nanguneri,
Tirunelveli District.

... Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents to receive the assessment amount for the land in Survey Number 93/10A, Kovilammalpuram, Nanguneri Taluk from the year of 2016 and consequently direct the respondents to not to vacate the petitioner from the land in Survey Number 93/10A, Kovilammalpuram, Nanguneri Taluk to the extent of 1.50 Acres without following due process of law based on the representation, dated 03.06.2019 within stipulated time.

For Petitioner : Mr.T.A.Ebenezer

For Respondents : Mr.C.M.Mari Chelliah Prabhu

Additional Government Pleader

ORDER

The prayer in this writ petition is for a Writ of Mandamus, directing the respondents to receive the assessment amount for the land in Survey Number 93/10A, Kovilammalpuram, Nanguneri Taluk from the year of 2016 and consequently direct the respondents not to vacate the petitioner from the land in Survey Number 93/10A, Kovilammalpuram, Nanguneri Taluk, to the extent of 1.50 Acres without following due process of law based on the representation, dated 03.06.2019 within stipulated time.

2.Heard Mr.T.A.Ebenezer, learned counsel appearing for the petitioner and Mr.C.M.Mari Chelliah Prabhu, learned Additional



Government pleader, appearing for the respondents.

3. With the consent of both sides, this writ petition is disposed of at the admission stage itself.

4. The petitioner has made a representation on 03.06.2019 seeking permission from the respondent to continue the occupation and enjoyment of the property in S.No.93/10A at Kovilammalpuram, Nanguneri Taluk, Tirunelveli District, which is admittedly a Government Poramboke land, for which according to the learned counsel for the petitioner, several years, B - memo notice were issued and penalty had been levied and collected from the petitioner continuously. Though the penalty had been collected from the petitioner, the same has been abruptly stopped pursuant to which, the respondents seem to have directed the petitioner to vacate the property, that is the reason why the present representation has been made by the petitioner.

5. Therefore the learned counsel for the petitioner submitted that, if the said representation dated 03.06.2019 is decided by the third respondent on merits within a time frame, the petitioner would be satisfied.

6. Heard Mr. C.M.Mari Chelliah Prabhu, learned Additional Government pleader, who would submit that, the said representation of the petitioner dated 03.06.2019, would be decided by the third respondent on merits, within a time frame.

7. Having regard to the said submissions made by both sides, this Court is inclined to dispose the writ petition, with the following direction:

"The 3rd respondent is directed to consider the representation of the petitioner dated 03.06.2019 and pass orders thereon on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order."

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)



To

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Revenue Divisional Officer,
Cheranmadevi,
Tirunelveli District.

3.The Tahsildar,
Nanguneri,
Tirunelveli District.

+1 CC to M/s.T.A.EBENEZER, Advocate (SR-78732[F] dated 31/07/2019
)

TM/ARUL

Order made in
W.P. (MD)No.16191 of 2019

Dated:
30.07.2019

_KM/ (09.09.2019) 3P 5C