



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.07.2019

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.16388 of 2019

Alagar

... Petitioner

-Vs-

- 1.The Principal Secretary to Government,
State of Tamil Nadu,
St. George Fort,
Chennai - 9.
- 2.The Land Administrative Commissioner,
Land Administrative Commissioner Office,
Ezhilagam, Chepauk, Chennai.
- 3.The District Collector,
Collectorate Building,
Dindigul.
- 4.The Block Development Officer,
Block Development Office,
Sannarpatti,
Dindigul District.
- 5.The Tahsildar,
Tahsildar Office,
Dindigul East,
Dindigul 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 15.07.2019 and pass appropriate orders within a stipulated period.

For Petitioners : Mr.A.Sankara Ramasubramanian

For Respondent : Mr.V.Anand, G.A. For RR1 to 3 & 5

Mr.K.Muthu, AGP for R4

**ORDER**

The prayer in this writ petition is for a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 15.07.2019 and pass appropriate orders within a stipulated period.

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2. Heard Mr.A.Sankara Ramasubramanian, learned counsel appearing for the petitioner and Mr.V.Anand, learned Government Advocate appearing for the respondents 1 to 3 and Mr.K.Muthu, learned Additional Government Pleader appearing for the 4th respondent.

3. The petitioner claims that, his great grandfather was assigned a land in question i.e in S.No.847/3 at Koovanuthu village, Dinidgul East Taluk sometime in the year 1972 and thereafter, the legal heirs of the great grandfather of the petitioner had been continuously inherited the property and as of now, along with the petitioner, other legal heirs jointly enjoying the property. While so, the revenue authorities seems to have taken some action treating the petitioner and others as encroachers and when the issue was enquired, the petitioner and others were given to understand that the assignment given to great grandfather of the petitioner in the year 1972 was subsequently cancelled in the year 1983. According to the petitioner, no such cancellation order has been served on them and no such cancellation order had ever been served to any one of the legal heirs of the great grandfather of the petitioner. When that being so, the present action of the respondents may not be justifiable and therefore, in order to rectify their action, the petitioner had given representation on 15.07.2019 and all that, the learned counsel appearing for the petitioner would submit that, if the said representation is decided by the respondents, on merits and in accordance with law, within a time frame, the petitioner would be satisfied.

4. I have heard the learned Government Advocate appearing for the respondents 1 to 3 and 5, who would submit that, the said representation given by the petitioner to the respondents, especially, the 3rd respondent, District Collector, would be decided on merits, after hearing the petitioner, within a time frame to be stipulated by this Court.

5. Considering the said factual matrix of the case and having regard to the said submissions made by both sides, with the consent of both sides, this writ petition is disposed of, at the admission stage itself, with the following direction:

"The 3rd respondent District Collector is hereby directed to consider the representation of the petitioner dated 15.07.2019 and pass orders thereon, on merits and in accordance with law, within a period of 8 weeks from the date of receipt of a copy of this order. Till such time, the petitioner, who claims to be in possession of the land in question for several years, shall not be disturbed."



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

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Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Principal Secretary to Government,
State of Tamil Nadu,
St. George Fort,
Chennai - 9.
2. The Land Administrative Commissioner,
Land Administrative Commissioner Office,
Ezhilagam, Chepauk, Chennai.
3. The District Collector,
Collectorate Building,
Dindigul.
4. The Block Development Officer,
Block Development Office,
Sannarpatti,
Dindigul District.
5. The Tahsildar,
Tahsildar Office,
Dindigul East,
Dindigul District.

+1 CC to Mr.A.SANKARARAMASUBRAMANIAN, Advocate SR-77312.

+1 CC to SPL GP SR-77295.

**Order made in
W.P. (MD) Nos.16388 of 2019**

Dated:

23.07.2019

CS(06.09.2019) 3P 8C