

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.12352 of 2016

G.Munusamy

... Petitioner

Vs.

1.The District Collector,
Krishnagiri.

2.The District Revenue Officer,
Krishnagiri.

3.The Revenue Divisional Officer, Hosur,
Krishnagiri.

4.The Tahsildar,
Hosur, Krishnagiri District.

... Respondents

Petition filed under Article 226 of the Constitution of India for issuing a writ of mandamus directing the respondents to issue patta in favour of the petitioner in Survey No.80 in Samanapalli Village, Hosur Taluk, Krishnagiri District.

For Petitioner : Mr.C.Samivel

For Respondents: Ms.A.Madhumathi,

Special Government Pleader

O R D E R

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus directing the respondents to issue patta in favour of the petitioner in Survey No.80 in Samanapalli Village, Hosur Taluk, Krishnagiri District.

2.It is the case of the petitioner that he has given his representation, seeking for assignment of the land in question, as early as on 31.07.2015, however, the respondents have not passed any order so far.

3.The learned counsel appearing for the petitioner submitted that the petitioner has been issued with 'B' memo and he has been paying the necessary charges as claimed by the respondents in the 'B' memo.

4.Ms.A.Madhumathi, learned Special Government Pleader appearing for the respondents submitted that the land in question is situated in a hilly area and therefore, the respondents cannot assign the land in favour of the petitioner. The learned Special Government Pleader also relied upon a Government Order in G.O.No.1168 (Revenue Department) dated 25.07.1989 wherein the assignment of the lands in the hilly area has been banned.

5.When the Government had issued the said Government Order barring the authorities from assigning the lands situated in hilly areas, the claim made by the petitioner seeking for assignment of the land cannot be granted. In view of the Government Order dated 25.07.1989, the 4th respondent could have rejected the petitioner's representation. Since the representation is pending for a long time, the 4th respondent may pass necessary orders in the said representation, within a period of four weeks from the date of receipt of a copy of this order, taking into consideration the Government Order No.1168 dated 25.07.1989.

6.With these observations, the Writ Petition is disposed of.
No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

va
To

- 1.The District Collector,
Krishnagiri.
- 2.The District Revenue Officer,
Krishnagiri.
- 3.The Revenue Divisional Officer,
Krishnagiri.
- 4.The Tahsildar,
Hosur, Krishnagiri District.

+1 cc to The Government Pleader, Sr.No. 31303
+1 cc to M/s.mr.C.Samuvel,Advocate Sr.No. 31014

W.P.No.12352 of 2016

AJS (CO)
RMP (06/10/2020)