

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2020

CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN

Writ Petition No.8743 of 2020
and W.M.P.No.10604 of 2020

N.Sundaramohandas

...Petitioner

Vs.

1. The District Collector, Erode District,
Erode.
 2. The District Revenue Officer, Erode District,
Erode
 3. The Tahsildar, Modakurichi Taluk,
Modakurichi, Erode District
 4. The Land Revenue Inspector, Arachalur,
Modakurichi Taluk, Modakurichi
- ...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus forbearing the respondents from in any manner assigning/allotting the lands in S.No. 1335/1 of Vadugapatti Village in favour of any third parties including any department of the Government without complying with the directions issued in the Government Order made in G.O.Ms.No.255 Adi Dravidar and Tribal Welfare (TDL-2) Department dated 02-11-1993.

For Petitioner : Mr.E.Om Prakash, Senior Counsel
for Mr.V.Balamurugan

For Respondents: Mr.N.Inbanathan, Addl.Govt.Pleader

O R D E R

Mr.N.Inbanathan, learned Additional Government Pleader takes notice for the respondents. By consent of both the parties, the writ petition is taken up for final disposal at the time of admission itself.

2.It is the case of the petitioner that his father was a member of Vadugampatti Land Colonisation Co-operative Society, which was formed under the Scheme of Colonisation of lands to be distributed amongst the landless persons for cultivation. He was allotted an extent of 3.61 acres of land in R.S.No.1335/1. However, vide G.O.Ms.No.255 Adi Dravidar and Tribal Welfare Department dated 02.11.1993, such societies were wound up as they have become defunct; the lands granted in favour of such Societies were cancelled; and the respective District Collectors were empowered to assign such lands to the members of the Societies or occupiers of the same. While so, the land of the petitioner was encroached by third parties, which compelled him to approach the respondent authorities with a request to issue patta in his favour. After due enquiry, the third respondent sent a communication dated 30.01.2018, to the second respondent recommending to issue patta in favour of the petitioner, in respect of the land in question. Even thereafter, no patta was issued to him till date. When the things stood thus, on 23.06.2020, the fourth respondent published a notice calling for objections from the public with respect to allow the land in question along with some other lands for establishing Special Centre for Turmeric Research and Development, to which, the petitioner submitted his objections on 26.06.2020. However, apprehending coercive steps, he has filed this writ petition for a mandamus forbearing the respondents from in any manner assigning/allotting the lands in R.S.No.1335/1 of Vadugapatti Village in favour of any third respondent including the Government department without complying with the directions issued in G.O.Ms.No.255 Adi Dravidar and Tribal Welfare (TDL-2) Department dated 02.11.1993.

3.The learned Senior Counsel appearing for the petitioner submitted that after due enquiry, the third respondent already sent his recommendation on 30.01.2018 to the second respondent to issue patta in favour of the petitioner. Despite the same, the fourth respondent, brushing aside the rights of the petitioner and similarly placed persons who are in occupation of the lands in R.S.No.1335/1, has issued the impugned notification calling for objections for allowing the said lands for the purpose of establishing Special Centre for Turmeric Research and Development, that too, without following due procedure of law. Hence, he prayed for appropriate direction to the respondents.

4.Heard the learned Additional Government Pleader taking notice for respondents and perused the documents placed in the form of typed set of papers.

5.Considering the facts and circumstances of the case and also having regard to the submissions made by the learned Senior Counsel appearing for the petitioner, more particularly that already recommendation was made to issue patta in respect of the land in question to the petitioner and without issuing any notice, the fourth respondent is attempting to acquire the lands in R.S.No.1335/1 of Vadugapatti Village, this Court directs the respondents to consider the objections dated 26.06.2020 submitted by the petitioner and pass appropriate orders, on merits and in accordance with law and also in the light of the communication dated 30.01.2018 sent by the third respondent to the second respondent, that too, after providing an opportunity of personal hearing to the petitioner as well as all other interested parties, if any, within a period of four weeks from the date of uploading the copy of this order in the web site. Till such time, the respondents shall maintain status quo as on date.

6.Accordingly, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

KST
To

1. The District Collector, Erode District, Erode.
2. The District Revenue Officer, Erode District, Erode
3. The Tahsildar, Modakurichi Taluk, Modakurichi, Erode.
4. The Land Revenue Inspector, Arachalur,
Modakurichi Taluk, Erode.

W.P.No.8743 of 2020

MR(CO)
SP(25/08/2020)