

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2020

CORAM :

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.8773 of 2020
and
W.M.P.No.10647 of 2020

G.Rani,
W/o.Late M.Govindraj,
No.3/55, Readindroom Street,
Varadharajapuram, Karigiri Village,
Katpadi Taluk - 632 106, Vellore District.Petitioner

versus

- 1.The District Collector,
Vellore District, Vellore.
- 2.The Revenue Divisional Officer,
Vellore, Vellore District.
- 3.The Tahsildar,
Taluk Office, Katpadi Taluk,
Vellore District. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing the respondents from taking possession of the land and house and interfering with the peaceful possession of the land by bearing Survey No.622/1 of Karigiri Village, Katpadi Taluk, Vellore District, without due process of law.

For Petitioner : Mr.D.Rajagopal

For Respondents : Mr.J.Ramesh, AGP

O R D E R

Mr.J.Ramesh, 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 admission stage itself.

2. The petitioner has come up with the present Writ Petition for a Mandamus, forbearing the respondents from interfering with her peaceful possession of the land in Survey No.622/1, at Karigiri Village, Katpadi Taluk, Vellore District and taking possession of the same, without due process of law.

3. It is the case of the petitioner that originally, the land in Survey No.622/1 measuring to an extent of 3 acres situated at Karigiri Village, Katpadi Taluk, Vellore District, which is classified as Panjami land, was allotted to her father-in-law under the depressed class category. Since then, the petitioner's father-in-law and his family members have been in possession and enjoyment of the said land by constructing house, doing agricultural activities and rearing cattles. Further, they are regularly paying tax, electricity consumption charges etc. and also 'B' memo charges, without any default. Be that as it may, the petitioner and her husband made several representations, lastly on 12.02.2020, to the first respondent requesting to issue patta in respect of the said land under the depressed class category and the same are pending without any consideration. Now, the respondents are attempting to evict the petitioner and her family members and take possession of the said land. Hence, this writ petition.

4. The learned counsel for the petitioner submitted that the petitioner and her family members have been in continuous and long possession and enjoyment of the subject matter of land. However, the respondents, without issuing any notice to the petitioner, are initiating eviction proceedings against her. Hence, the learned counsel prayed for appropriate direction to the respondents.

5. On the other hand, the learned Additional Government Pleader appearing for the respondents fairly submitted that if the petitioner submits a fresh representation, the same would be considered by the respondents, on merits.

6. Heard both sides and perused the documents placed before this Court.

7. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court, without going into the merits of the case, directs the petitioner to submit a fresh representation along with supporting documents to the respondents within a period of two (2) weeks from the date of uploading the copy of this order in the website. On receipt of the said representation, the respondents shall consider the same and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of personal hearing to the petitioner, within a period of six (6) weeks thereafter. Till such an order is passed, the respondents shall not disturb the peaceful possession of the land by the petitioner.

8. The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sri

To

1.The District Collector,
Vellore District, Vellore.

2.The Revenue Divisional Officer,
Vellore, Vellore District.

3.The Tahsildar,
Taluk Office,
Katpadi Taluk,
Vellore District.

NR (CO)
CB (18/08/2020)

W.P.No.8773 of 2020 and
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