

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.9605 of 2020 and
W.M.P.Nos.11744 & 11748 of 2020

1.A.Kandasamy
2.R.Velusamy

... Petitioners

Vs.

1.The District Collector,
Erode District, Erode.

2.The District Revenue Officer,
Erode District, Erode.

3.The Thasildar,
Modakuruchi Taluk,
Modakuruchi.

4.Land Revenue Inspector,
Arachallur,
Modakuruchi Taluk,
Modakuruchi.

.... Respondents.

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking 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 and pass orders.

For Petitioners : Mr.Kumaresh Babu for
Mr.V.Balamurugan

For Respondents :Mr.S.N.Parthasarathy
Government Advocate

O R D E R

This writ petition has been filed for the issue of Writ of Mandamus forbearing the respondents from assigning/allotting lands to any third parties without complying with the Government Order in G.O.Ms.No.255 dated 02.11.1993.

2.The case of the petitioners is that the land was originally allotted for cultivation by the co-operative society and the petitioners have been cultivating the lands for a long period of time. Thereafter, the petitioners were also requesting for the grant of patta. In the meantime, the fourth respondent has published a notice on 23.06.2020 calling for objections from all interested parties on the ground that the lands are going to be allotted for the purpose of cultivation of turmeric. The petitioners have given their objections on 26.06.2020. The apprehension of the petitioners is that even without considering the objections made by the petitioners, the respondents are moving forward to allot the lands in violation of the instructions given in G.O.Ms.No.255, dated 02.11.1993. Hence, the present writ petition has been filed seeking for appropriate direction.

3.Mr.Parthasarathy, learned Government Advocate appearing on behalf of the respondents submitted that the petitioners have already given their objections and the same will be considered in accordance with law.

4.The learned counsel for the petitioners submitted that till the objections are considered by the respondents, the petitioners must not be distributed since the petitioners are already carrying on with the cultivation for a long period of time.

5.Taking into consideration the facts and circumstances of the case and the limited relief that has been sought for in this writ petition, there shall be a direction to the third respondent to consider the objections made by the petitioners on 26.06.2020 and deal with the same strictly in accordance with law and the relevant Government Order and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. The third respondent is directed to collect all the particulars from the petitioners before passing any orders on the objections made by the petitioners. The petitioners are directed to make a fresh representation to the third respondent along with a copy of their objections dated 26.06.2020 and all other relevant documents and also a copy of this order.

6.This writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

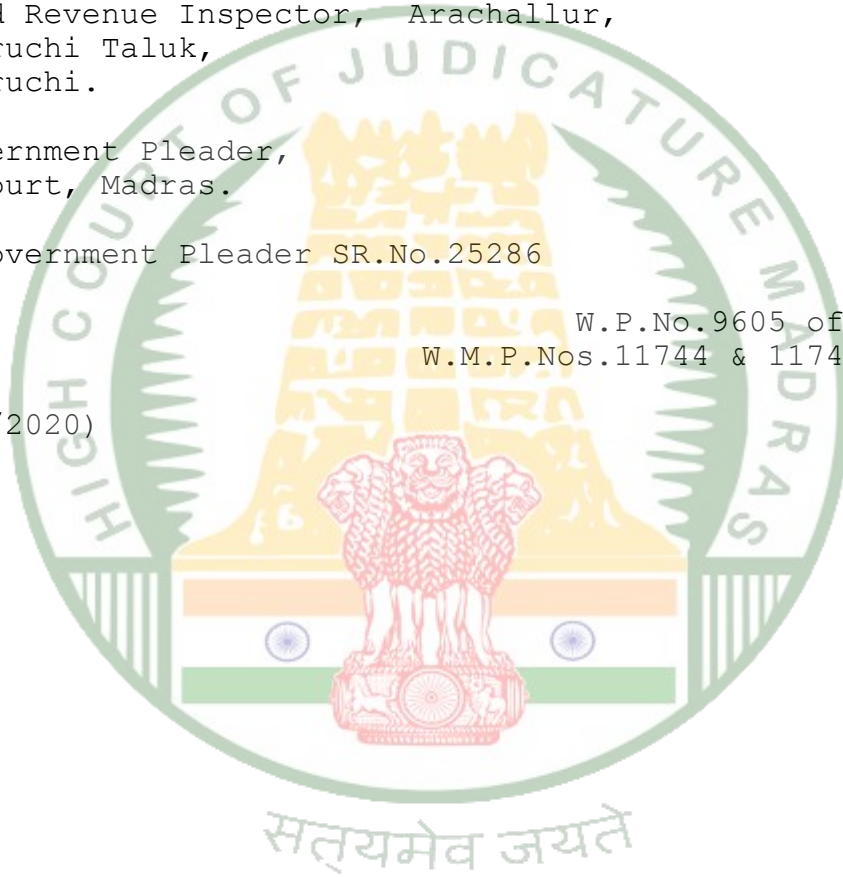
To:

- 1.The District Collector,
Erode District, Erode.
- 2.The District Revenue Officer,
Erode District, Erode.
- 3.The Thasildar,
Modakuruchi Taluk, Modakuruchi.
- 4.The Land Revenue Inspector, Arachallur,
Modakuruchi Taluk,
Modakuruchi.
- 5.The Government Pleader,
High Court, Madras.

+1cc to Government Pleader SR.No.25286

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BR(CO)
GMY(07/08/2020)



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