

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.14785 of 2020
(Heard Through VC)

G.V.Ramesh

..

Petitioner

Vs.

1. The District Collector,
Tiruvallur District,
Tiruvallur.

2. The Assistant Director,
Mines and Minerals Department,
Tiruvallur District.

3. The Sub Registrar,
Avadi Sub Registrar Office,
Tiruvallur District

... Respondents

* * *

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to execute the cancellation of release deed dated 27.02.1988 in Document No.1491 / 1988, by considering the petitioner's representation dated 12.07.2019.

* * *

For Petitioner : Mr.R.Dhanasekar

For Respondents 1 & 2 : Mr.E.Manoharan
Spl.Govt.Pleader

For Respondent-3 : Mr.T.M.Pappiah, Spl.Govt.Pleader

ORDER

With the consent of the learned counsel for the petitioner and the learned Special Government Pleader for the respondents, this writ petition is taken up for final hearing.

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2. The Writ Petition is filed seeking a mandamus to direct the respondents to execute the cancellation of release deed dated 27.02.1988 in Document No.1491/1988, by considering petitioner's representation dated 12.07.2019.

3. It is the case of the petitioner that he owned agricultural land in S.F.No.325/1B, measuring an extent of 2.00 acres in Kottamedu Village, Thirunindravur B Mathura, Poonamallee Taluk, Tiruvallur District, having purchased the same for a valuable sale consideration, by way of Sale Deed dated 19.06.1987, registered as Document No.4335 of 1987. As the said land is silt (Savudu) land, the petitioner decided to take sand from the above said land for brick works. Hence, the petitioner approached the Government of Tamil Nadu, Mines and Minerals Department for quarrying the sand from his property for brick works, for which purpose, he had entered into a Lease Agreement dated 27.02.1988 with the Government of Tamil Nadu and the same was registered as Document No.1491 of 1988 and he also deposited a sum of Rs.2,000/- as security deposit.

4. According to the petitioner, he was permitted for mining operation for a term of 18 months from 27.02.1988 to 26.08.1989. Though the said Lease Agreement period ended on 26.08.1989 and since the respondents have not come forward to cancel the release deed in Document No.4335 of 1987, the petitioner made a representation dated 12.07.2019 to the first respondent in person to cancel the Lease Agreement and to remove the entry in the Encumbrance Certificate and the same was forwarded to the second respondent. Having accepted the said representation, the second respondent has kept the representation pending for more than a year. Hence, the petitioner has filed this Writ Petition seeking for the relief stated supra.

5. Heard the learned counsel appearing for the petitioner, the learned Special Government Pleader appearing for the respondents and perused the materials available on record.

6. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the case, directs the respondents to consider petitioner's representation dated 12.07.2019, enquire into the same and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and the persons interested in this regard and by affording them an opportunity of personal hearing or virtual hearing, within a period of two weeks from the date of receipt of a copy of this order.

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7. With the above directions, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

srn

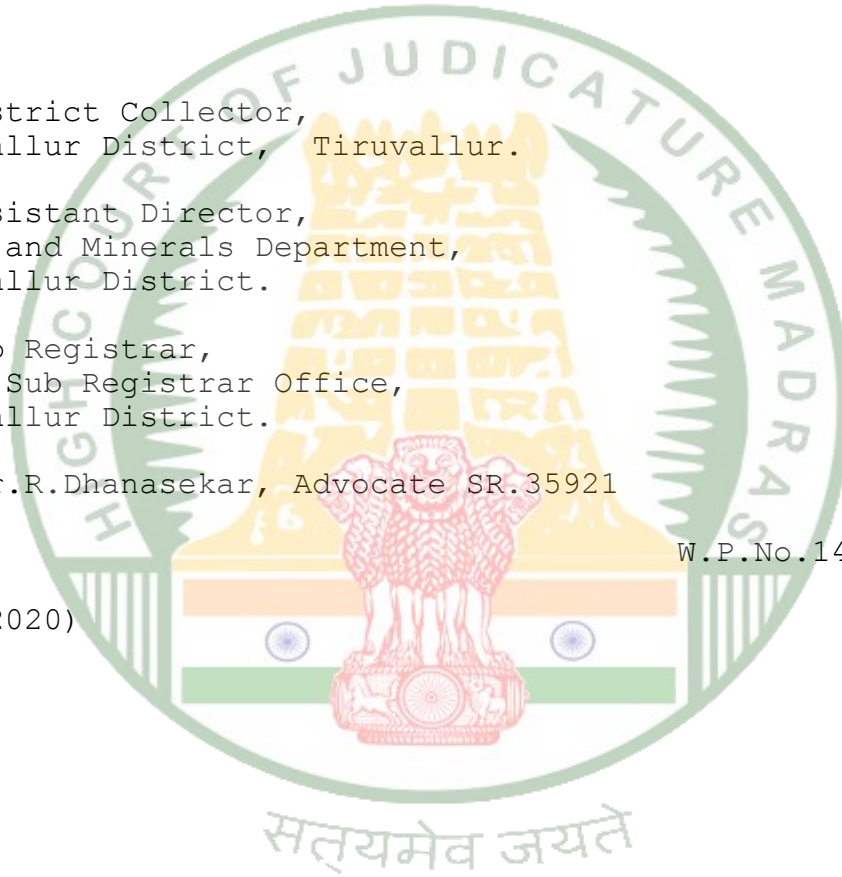
To

1. The District Collector,
Tiruvallur District, Tiruvallur.
2. The Assistant Director,
Mines and Minerals Department,
Tiruvallur District.
3. The Sub Registrar,
Avadi Sub Registrar Office,
Tiruvallur District.

+1cc to Mr.R.Dhanasekar, Advocate SR.35921

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SSD (CO)
CB (11/12/2020)



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