

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.12.2020

CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN

AND

THE HON'BLE DR.JUSTICE ANITA SUMANTH

W.P.No.20196 of 2020 and

W.M.P.No.24953 of 2020

Melvisharam Muslim Educational Society
Regd.No.S3 of 1926-27 Rep.by its General Secretary
Mr.S.Ziauddeen Ahamed, Hakeem Nagar, Melvisharam
Ranipet District - 632 509. Petitioner

Vs

- 1.The District Collector, Ranipet District
Ranipet.
- 2.The Sub-Collector, Ranipet District,
Ranipet.
- 3.The Tahsildar, Walajah Taluk
Walajah, Ranipet District.

For Petitioner : Mr.Kandhan Doraisami

For Respondents : Mr.V.Jayaprakash Narayanan
Government Pleader

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondents from resorting to any coercive action to take forcible possession by demolishing the compound wall of the petitioner Society pursuant to the order of the 2nd respondent in Na.Ka.No.A2/2999/2020 dated 10.11.2020 and the order of the 3rd dated 10.11.2020 pending determination of the Appeal and Stay Petition dated 19.12.2020 filed by the petitioner Society before the 1st respondent herein.

O R D E R
(Order of the Court was made by R.MAHADEVAN, J.)

Mr.V.Jayaprakash Narayanan, learned Government Pleader, accepts notice on behalf of the respondents. By consent of both the parties, the writ petition is taken up for final disposal at the time of admission itself.

2.The petitioner has filed this writ petition, seeking a mandamus, forbearing the respondents from resorting to any coercive action to take forcible possession by demolishing the compound wall of the petitioner Society, pursuant to the orders of the respondents 2 and 3 dated 10.11.2020 pending determination of the Appeal and Stay Petition dated 19.12.2020 filed by the petitioner before the first respondent.

3.It is the case of the petitioner that they are in occupation of the land measuring to an extent of 3.51 acres in S.Nos.74/3 and 75/2A of Hirasathpuram Village, Wallajapet Taluk, Ranipet District, which is lying in between the National Highway and the Educational Institutions belonging to the petitioner and is assessed as waste poramboke belonging to the Government. On the recommendation of the District Level Revenue Authorities, they purchased the patta land in S.No.66 of Hirasathpuram village on payment of valuable consideration and handed over the same to the Government for the purpose of issuing pattas to the landless Harijans. Thereafter, the petitioner made representations requesting the respondent authorities for assignment of the land in S.Nos.74/3 and 75/2A in their favour. However, by order dated 10.11.2020, the second respondent rejected the said request of the petitioner. Consequently, the third respondent issued a show cause notice dated 10.11.2020 calling upon the petitioner to pay land tax on or before 24.11.2020. Feeling aggrieved, the petitioner filed an appeal before the first respondent 19.12.2020 along with stay petition and the same is pending. Apprehending coercive steps, they have come up with this writ petition for the aforesaid relief.

4.Heard both sides and perused the materials placed on record.

5.Considering the facts and circumstances of the case, more particularly, an appeal is said to have been pending before the first respondent, and as agreed by both the parties, without going into the merits of the case, the first respondent is directed to dispose of the appeal filed by the petitioner, on merits and in accordance with law, after affording due opportunity of personal hearing to all the parties, within a period of three months from the date of receipt of a copy of this order.

6.With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst. Registrar

//True Copy//

Sub Asst. Registrar

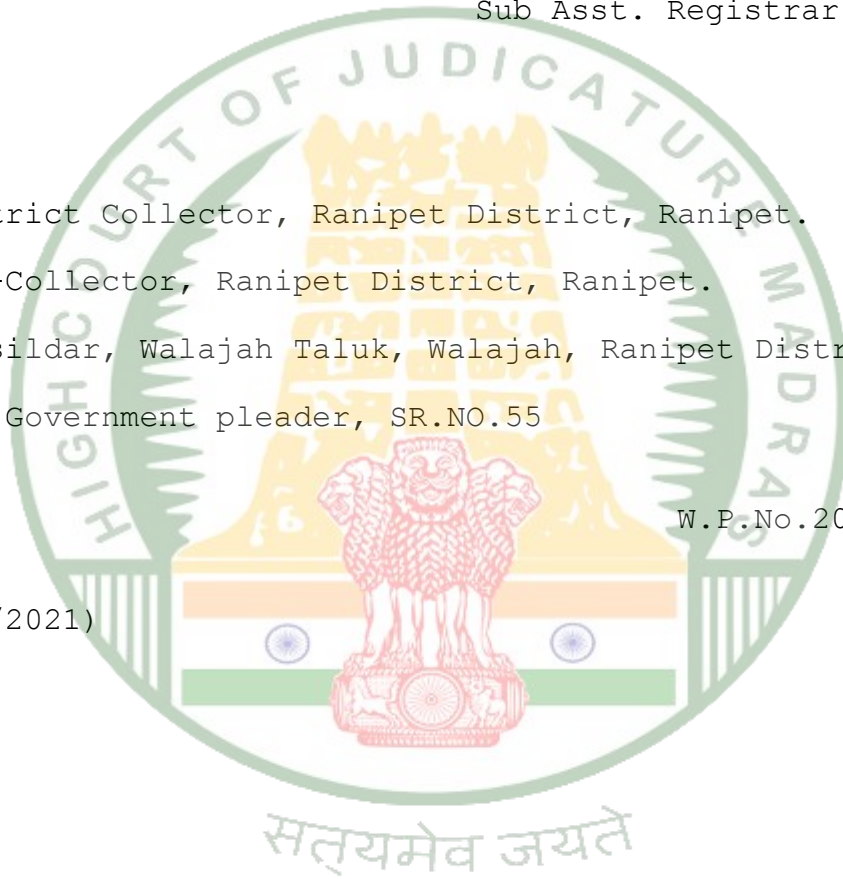
kst

To

- 1.The District Collector, Ranipet District, Ranipet.
 - 2.The Sub-Collector, Ranipet District, Ranipet.
 - 3.The Tahsildar, Walajah Taluk, Walajah, Ranipet District.
- +1 C.C.to Government pleader, SR.NO.55

W.P.No.20196 of 2020

LN(CO)
VC (22/01/2021)



WEB COPY

30.12.2020