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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.21655 of 2017

Pakirisamy

... Petitioner

Vs.

1.The District Collector,
District Collector Office, Cuddalore.

2.The Special Tahsildar (ADW),
Adi Dravidar Welfare Department,
Chidambaram, Cuddalore District.

3.The Tahsildar,
Chidambaram Taluk,
Cuddalore District.

4.Dayalan

5.Marry

6.Samynathan

7.Jayaraman

8.Balu

9.Anthonysamy

10.Kumar

11.Vijayakanth

... Respondents

(R3 - suo motu impleaded vide order dated 08.12.2020 in W.P.No.21655 of 2017; R4 to R11 - impleaded vide order dated 08.12.2020 made in W.M.P.Nos.27310 to 27312, 30234 to 30238 of 2017)

Petition filed under Article 226 of the Constitution of India for issuing a writ of mandamus directing the respondents to consider the petitioner's representation dated 07.03.2017.

For Petitioner : Mr.B.Janakiraman for M/s.A.Sankar

For Respondents: Ms.A.Madhumathi,

Special Government Pleader (R3)

Mr.M.Elumalai,

Additional Government Pleader (R1 & R2)



O R D E R

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus directing the respondents to consider his representation dated 07.03.2017.

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2.Mr.B.Janakiraman, learned counsel appearing for the petitioner submitted that the petitioner has given his representation to the respondents as early as on 07.03.2017 for surveying his land, however, the respondents have not passed any order so far.

3.Mr.M.Elumalai, learned Additional Government Pleader appearing for the respondents 1 & 2 submitted that so far as the surveying of the lands is concerned, the petitioner should only approach the regular Tahsildar, Chidambaram Taluk, Cuddalore District and not the Special Tahsildar (ADW), Adi Dravidar Welfare Department. The petitioner has not made the Tahsildar, Chidambaram Taluk, Cuddalore District as a respondent in the Writ Petition.

4.The learned counsel appearing for the petitioner submitted that the Tahsildar, Chidambaram Taluk, Cuddalore District may be impleaded suo motu and liberty may be given to the petitioner to give fresh representation to the Tahsildar, Chidambaram Taluk, Cuddalore District and a direction may also be given to the Tahsildar, Chidambaram Taluk, Cuddalore District to consider the petitioner's representation. Further, the learned counsel submitted that the petitioner would pay the necessary fees for surveying the land.

5.In view of the submissions made by the learned counsel for the petitioner and Mr.M.Elumalai, learned Additional Government Pleader for the respondents 1 & 2, I suo motu implead the Tahsildar, Chidambaram Taluk, Cuddalore District, as the 3rd respondent in the Writ Petition.

6.Ms.A.Madhumathi, learned Special Government Pleader taking notice for the newly impleaded 3rd respondent submitted that the 2nd respondent viz., the Special Tahsildar (ADW), may be directed to forward the representation of the petitioner dated 07.03.2017 to the 3rd respondent viz., the Tahsildar, Chidambaram Taluk, Cuddalore District and a direction may also be given to the 3rd respondent to dispose of the representation within a time frame.

7.Having regard to the submissions made by the learned counsel on either side and also taking into consideration the limited prayer sought for in the Writ Petition, without expressing any opinion with regard to the merits of the case, I direct the 2nd respondent to forward the representation dated



07.03.2017 given by the petitioner, to the newly impleaded 3rd respondent viz., the Tahsildar, Chidambaram Taluk, Cuddalore District, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same and on payment of the prescribed fee by the petitioner for surveying the land, the 3rd respondent is directed to consider the same and pass orders on merits and in accordance with law, after giving notice to all the interested parties within a period of four months from the date of receipt of the representation from the 2nd respondent.

8. With these observations, the Writ Petition is disposed of. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The District Collector,
District Collector Office, Cuddalore.

2. The Special Tahsildar (ADW),
Adi Dravidar Welfare Department,
Chidambaram, Cuddalore District.

3. The Tahsildar,
Chidambaram Taluk,
Cuddalore District.

+1 CC to The Government Pleader sr 39806.

W.P.No.21655 of 2017

PM(CO)
SP(06/01/2021)