



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

W.P.(MD).No.1555 of 2020

M.Palanisamy

.. Petitioner

Vs.

1.The Land Administrative Commissioner,
Land Administrative Commissioner Office,
Ezhilagam, Chepauk, Chennai.

2.The District Collector,
Collectorate Building,
Dindigul.

3.The Revenue Divisional Officer,
Revenue Divisional Office,
Dindigul.

4.The Block Development Officer,
Block Development Office,
Sannarpatti,
Dindigul District.

5.The Tahsildar,
Tahsildar Office,
Dindigul East,
Dindigul District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondents to consider the petitioner's representation, dated 16.08.2019 and pass appropriate orders within a stipulated period.

For Petitioner : Mr.V.Illanchezian

For Respondent : Mr.C.Ramar
Additional Government Pleader

ORDER

This Writ petition has been filed for issuing a writ of Mandamus directing the respondents to consider the petitioner's representation, dated 16.08.2019 and pass appropriate orders within a stipulated period.



2.Mr.C.Ramar, learned Additional Government Pleader, takes notice for the respondents. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

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3.The petitioner states that the land measuring an extent of 1.51 acre was assigned in favour of the petitioner's father by name Mamooni in the year 1973. It is the further case of the petitioner that he came to know about the entry in the revenue records to the fact that the assignment in favour of the petitioner's father was cancelled and the lands were resumed to Government as per the proceedings, dated 19.11.1981. It is the specific case of the petitioner that the order cancelling the assignment was never served and that no prior notice was issued to his father during the relevant period. The petitioner states that he is in possession of the property. In this regard, the petitioner submitted a representation, dated 16.08.2019 to the respondents. Stating that the said representation was not considered by the respondents, the above writ petition is filed.

4.The learned counsel for the petitioner relied upon the communication issued by the District Collector to the Revenue Divisional Officer, dated 27.08.2019, directing the Revenue Divisional Officer namely, the third respondent in this writ petition to consider the representation and take appropriate action.

5.Having regard to the facts narrated above, this Court without expressing any opinion on the merits of the petitioner's representation, is inclined to issue the following direction.

(i)The third respondent is directed to consider the representation of the petitioner.

(ii)In case the third respondent find that no notice was issued to the petitioner or his father before the assignment was cancelled, the third respondent may treat the order of cancellation as in effective and void.

(iii)In case, the order is passed after giving notice and sufficient opportunity to the petitioner or his father, the third respondent is directed to furnish a copy of the order cancelling the assignment forthwith to the petitioner.

(iv)When, such order is served on the petitioner, it is open to the petitioner to challenge the same before the District Revenue Officer in the manner known to law.

(v)Till such time, the petitioner's representation is considered by the Revenue Divisional Officer as per the direction of this Court or the District Revenue Officer decide the appeal that may be preferred by the petitioner, challenging the order cancelling the assignment, Status quo shall be maintained.



6. With the above directions, this writ petition is disposed of. No costs.

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// True Copy //

Sd/-

Assistant Registrar (CS-I)

/ /2020

Sub Assistant Registrar (CS)

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To

1. The Land Administrative Commissioner,
Land Administrative Commissioner Office,
Ezhilagam, Chepauk, Chennai.

2. The District Collector, Collectorate Building, Dindigul.

3. The Revenue Divisional Officer, Revenue Divisional Office,
Dindigul.

4. The Block Development Officer, Block Development Office,
Sannarpatti, Dindigul District.

5. The Tahsildar, Tahsildar Office, Dindigul East,
Dindigul District.

+1 CC to MR.V.ILLANCHEZIAN, Advocate (SR-3502[F] dated 28/01/2020
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