



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD)No.5333 of 2020

and

W.M.P. (MD)No.4623 of 2020

WEB COPY

A.Thavamani

... Petitioner

Vs.

1.The Principal Secretary to Government,
Revenue Department,
Secretariat Building,
Chennai - 9.

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

3.The District Collector,
Collectorate Building,
Dindigul.

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

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to direct the respondents to consider and pass orders on the petitioner's representation dated 22.08.2019, within a stipulated period to be fixed by this Court.

For Petitioner : Mr.V.Illanchezian

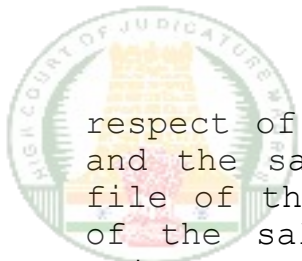
For Respondents : Mr.R.Sethuraman

Special Government Pleader

ORDER

This Writ Petition has been filed seeking a direction to the respondents to consider and pass orders on the petitioner's representation dated 22.08.2019, within a stipulated period to be fixed by this Court.

2.According to the petitioner, one Arockiyam, who is the legal heir of Philomeenal, executed a Power of Attorney, dated 07.12.2005, in respect of the land in S.No.843/7, measuring an extent of 1 Acre and 52 Cents, situated at Kuvanuthu Village, Dindigul East Taluk, Dindigul District, in favour of Annakamu, S/o.Periyakamu Thevar. On the basis of the said Power of Attorney, the said Annakamu had executed a sale deed dated 21.12.2005 in



respect of the very same survey number in favour of the petitioner and the same was registered, vide Document No.16 of 2005, on the file of the Sub-Registrar, Dindigul. Pursuant to the registration of the sale deed, the petitioner is in peaceful possession and enjoyment of the said property. Moreover, the petitioner's vendor's name, viz., Philomeenal, was found as Assignee, in the proceedings in O.Mu.No.43293/08/C2, dated 07.01.2009. Subsequently, the petitioner came to know that the Chitta in respect of the said survey number was cancelled by the earlier assignment issued in favour of the petitioner's vendors. The order pertains to cancellation of assignment was neither served to the petitioner's vendor nor to the person to whom the assignment was issued. In this regard, the petitioner gave a representation dated 22.08.2019 to the respondents. Since no action has been taken on the petitioner's representation, the present Writ Petition has been filed.

3.Mr.R.Sethuraman, learned Special Government Pleader appearing for the respondents, has produced a proceedings in Na.Ka.No.2976/2020/M3> of the Tahsildar, Dindigul East, dated 20.07.2020 and submitted that the abovesaid property is classified as 'Government Poramboke' the same is in possession of the Government and therefore, there is no necessity to issue notice for removal of encroachment.

4.At this juncture, the learned counsel appearing for the petitioner submitted that the said report has not been communicated to the petitioner.

5.The learned Special Government Pleader undertakes before this Court that the final order will be communicated to the petitioner within a period of two weeks from the date of receipt of a copy of this order.

6.Recording the above said submissions, this Writ Petition is disposed of with a direction to the fourth respondent to communicate the final order to the petitioner as expeditiously as possible, in any event, not

later than two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

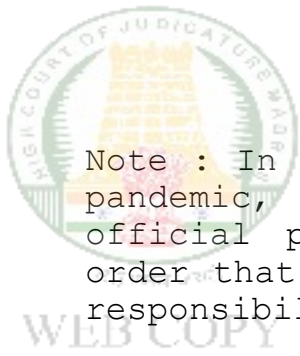
Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Principal Secretary to Government,
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Chennai - 9.
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W.P. (MD) No.5333 of 2020
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SMA/28/07/2020/3P/5C