



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :27.08.2020

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.13910 of 2019

1.A.Paulraj

2.K.Purusothaman

3.Ramakrishnan

4.Muthu Meeran

5.Ganesan

... Petitioners

Vs

1.The District Collector,
Tirunelveli,
Tirunelveli District.

2.The Joint Commissioner,
Land Reforms,
Tirunelveli District.

3.The Revenue Divisional Officer,
Tenkasi,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to allot alternative lands and also survey and fix boundaries in said land, to all the petitioners instead of assignment lands allotted in the year 1999, based on the petitioners representation dated 20.04.2018.

For Petitioners : Mr.J.Jeyakumaran

For Respondents : Mrs.V.P.M.Vaishnavi
Government Advocate



ORDER

This Writ Petition is filed to direct the respondents to allot alternative lands to the petitioners and to survey and fix the boundaries of the same instead of the lands assigned in favour of the petitioners in the year 1999.

2.It is the case of the petitioners that though they were assigned lands in the year 1999 under Section 94 of Madras Land Reforms (Fixation of Ceiling on Land) Act, 1961 (Madras Act 58 of 1961), the 2nd respondent, by communication dated 14.08.2013, informed the petitioners that due to soil erosion, the assigned lands could not be identified and that they will issue 'B' notice for assignment of alternative lands. In this regard, the petitioners made representations to the 3rd respondent seeking to survey the lands assigned in favour of them and on receipt of such representations, the 3rd respondent, by proceedings dated 23.09.2016, directed the Tahsildar, Senkottai to consider the said representations and to file a report before him. In compliance of the proceedings dated 23.09.2016, the Tahsildar, Senkottai, has filed a report before the 3rd respondent stating that with the help of surveyors the assigned land can be surveyed.

3.In the meanwhile, on 04.01.2017, the Tahsildar, Senkottai, has sent a communication to the Chief Minister Special Cell, stating that due to natural calamities, the aforesaid assigned lands could not be identified and recommending the Government to provide alternative lands to the petitioners. In this regard, though the petitioners made representations dated 20.04.2018 to the respondents, so far no action has been taken. Hence, the petitioners are before this Court.

4.In reply, the learned Government Advocate appearing for the respondents would submit that the petitioners' representation dated 20.04.2018, would be considered on merits and in accordance with law, within a time frame to be fixed by this Court.

5.On perusal of the typed set of papers, it is seen that there is no acknowledgement proof has been filed for making such representation, dated 20.04.2018 before the respondents.

6.In the light of the above, without expressing any opinion on the merits of the case, this Court is inclined to pass the following directions:-

i) the respondents are directed to consider the petitioners' representation dated 20.04.2018 and pass appropriate orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order, if the same is pending before them as stated by the petitioners;



ii) the petitioners are directed to enclose a copy of this order along with such representation;

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

WEB COPY

Sd/-

Assistant Registrar (CS-II)

// 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 District Collector,
Tirunelveli,
Tirunelveli District.
2. The Joint Commissioner,
Land Reforms,
Tirunelveli District.
3. The Revenue Divisional Officer,
Tenkasi,
Tirunelveli District.

+1 CC to M/s. Special Govt. Pleader (SR-15303[F] dated 28/08/2020)

W.P. (MD) No.13910 of 2019
27.08.2020

mm

SDS (17.09.2020) 3P-5C