



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD)No.8145 of 2019

WEB COPY

M.Kannan

... Petitioner

Vs.

1.The District Collector,
Sivagangai,
Sivagangai District.

2.The District Revenue Officer,
Sivagangai,
Sivagangai District.

3.The Joint Commissioner (Land Acquisition),
O/o.The Commissioner of Land Administration,
Ezhizhagam,
Chepauk,
Chennai - 600 005.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to direct respondents to consider the representation of the petitioner dated 22.01.2018 relating to grant of compensation to the petitioner pursuant to the order passed by the second respondent in his proceedings in Na.Ka.No.Pi4/15508/2013 dated 06.05.2014 within the time frame stipulated by this Court.

For Petitioner : Mr.S.Mohamed Kadhar

For Respondents : Mr.M.Rajarajan
Additional Government Pleader

ORDER

The petitioner has filed the present Writ Petition to issue a Writ of Mandamus, directing the respondents to dispose of his representation dated 22.01.2018, within the time stipulated by this Court.



2. According to the petitioner, the property comprised in Survey No.1/16, Kayangulam Group 84, Kuttithinni Village, Thambanusilangulam Sub-Division belonged to his grandfather and thereafter, the above mentioned properties devolved upon the petitioner by succession. The petitioner filed a Writ Petition in W.P(MD)No.10548 of 2013 seeking to measure the exact extent of the above mentioned property and to issue joint patta by considering his representation dated 20.12.2012 and this Court, by order dated 03.07.2013 directed the respondent / District Revenue Officer to consider the representation of the petitioner dated 20.12.2012 and disposed of the the said Writ Petition. Pursuant to the same, the second respondent by proceedings in Na.Ka.Pi4/15508/2013 dated 06.05.2014 stated that the petitioner's ancestral property was taken over by the Government through Inam Abolition Act, 26/48 under Section 1(4) on 07.09.1949 and patta has been issued to the third parties, who were in possession. Aggrieved over the above said order, the petitioner made a petition before the first respondent for taking action against the second respondent. On receipt of the same, the first respondent by order dated 13.12.2017 directed the petitioner to approach the third respondent for the appropriate relief. In the mean time, the petitioner made a representation dated 22.01.2018 to the first respondent seeking for grant of compensation for his ancestral properties taken over by the Government. So far no action has been taken on the side of the respondents, the petitioner has filed the present Writ Petition.

3. The learned Additional Government Pleader appearing for the respondents submitted that on an earlier occasion, with regard to the similar representation, final order has been passed by the authority concerned.

4. However, the learned counsel appearing for the petitioner disputed the said fact and submitted that the petitioner has not made any earlier representation for the same claim.

5. In view of the disputed fact, this Court, without expressing any opinion on the merits of the case, directs the second respondent to consider the representation of the petitioner dated 22.01.2018 and pass appropriate orders on merits and in accordance with law, after affording due opportunity of hearing to the petitioner and other interested parties, if any, within a period of twelve weeks from the date of receipt of a copy of this order. The petitioner is directed to enclose a copy of this order along with such representation to the second respondent.



6. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-II)

WEB COPY

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

ps

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,
Sivagangai,
Sivagangai District.

2.The District Revenue Officer,
Sivagangai,
Sivagangai District.

3.The Joint Commissioner (Land Acquisition),
O/o.The Commissioner of Land Administration,
Ezhizhagam,
Chepauk,
Chennai - 600 005.

+1 CC to M/s.GP (SR-15914[F] dated 04/09/2020)

Order made in
W.P. (MD)No.8145 of 2019
Dated:03.09.2020

TR(15.09.2020) 3P 5C