

the said Act, so far no construction was made in the said land and the petitioner had also made a representation dated 16.03.2007 to the 1st respondent seeking to change the patta in favour of the petitioner for the said property. Thereafter, based on the instruction of the 1st respondent, the 3rd respondent had sent a report dated 20.04.2007 to the 1st respondent, stating that the acquired land was not assigned to any beneficiaries and also recommended for reconveyance of the same to the land owner, namely, the petitioner.

4.Subsequently, the 1st respondent, by proceedings dated 15.10.2007, wherein, it had been admitted that in respect of the aforesaid property, possession was not taken and the acquisition proceedings were not completed and the assignment patta was not issued to any beneficiaries, directed the Revenue Divisional Officer to submit a report regarding the reconveyance of the land and the report is yet to be filed. The aforesaid fact has also been admitted by the Tahsildar, who recommended for reconveyance of the property in favour of the petitioner. Narrating all the aforesaid facts, though the petitioner has submitted a representation dated 10.08.2018 before the 1st respondent for reconveyance of the petition mentioned property, so far no action has been taken. Hence, the present writ petition.

5.In reply, the learned Special Government Pleader appearing for the respondents would submit that as per the proceedings of the 3rd respondent dated 08.09.2020, the request of the petitioner cannot be considered by the 1st respondent. However, he would submit that the petitioner's representation dated 10.08.2018 would be considered on merits and in accordance with law for reconveyance of the said land to the petitioner.

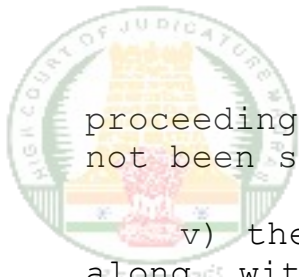
6.Considering the facts and circumstances of the case and by recording the submission made by the learned Special Government Pleader, this Court is inclined to pass the following directions:-

i) the 1st respondent is directed to serve notice on the petitioner to appear for enquiry and the petitioner shall appear before the 1st respondent on the said date without fail;

ii) after conducting enquiry, the 1st respondent is directed to consider the petitioner's representation dated 10.08.2018 for reconveyance of the aforesaid land, in accordance with law and take a decision in one way or the other;

iii) the decision of the 1st respondent shall either be in the form of a report or in the form of a final order and the same shall be communicated to the petitioner;

iv) the 3rd respondent is also directed to serve a copy of the



proceedings dated 08.09.2020 to the petitioner, if the same has not been sent already;

v) the petitioner is directed to enclose a copy of this order along with such representation dated 10.08.2018 to the 1st respondent;

vi) the aforesaid exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order;

7. With the above directions, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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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 District.
2. The District Revenue Officer,
Sivagangai District.
3. The Special Tahsildar,
Adi Dravidar Welfare,
Sivagangai Taluk and District.

Copy to

The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

W.P. (MD) No.18987 of 2018

17.09.2020

SRK(CO)

KM (07.10.2020) 3P 5C

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