

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.02.2021

CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

W.P.No.22500 of 2015

and

W.M.P.No.1 of 2015

1.Sivaganesan
S/o.Rajagopal

2.Jothi
S/o.Ramamurthy

3.Sundarambal
W/o.Rajagopal

.... Petitioners

Vs.

1.The Director,
Directorate of Rural Development,
and Panchayat Raj,
Panagal Buildings,
Saidapet,
Chennai-15.

2.The District Collector,
Ariyalur District,
Ariyalur.

3.The Assistant Director (Panchayats),
Ariyalur District,
Ariyalur.

4.The Revenue Tahsildar,
Jayankondacholapuram,
Udayarpalayam Taluk,
Ariyalur District.

5.The Commissioner,
Jayankondam Panchayat Union,
Thazhuthalamedu
Udayarpalayam Taluk,
Ariyalur District.

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6.The President,
Thazhuthalamedu Panchayat,
Udayarpalayam Taluk,
Ariyalur District.

... Respondents

Prayer: Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents 4 to 6 from disturbing the peaceful possession and enjoyment of the property comprised of S.No.51/1 measuring about acres 5.80 cents of land with 43 Mango trees by 2C tree patta dated 15.07.1993 issued by the fourth respondent in favour of the petitioners 1 and 2.

For Petitioners : Mr.G.Pugazhenth

For Respondents : Mr.M.Venkatesh Kumar
Government Advocate

ORDER

This writ petition is filed for issuing a Writ of Mandamus, forbearing the respondents 4 to 6 from disturbing the peaceful possession and enjoyment of the property comprised of S.No.51/1 measuring about acres 5.80 cents by issuing 2C tree patta dated 15.07.1993 issued by the fourth respondent in favour of the petitioners 1 and 2.

2.The case of the petitioners is that the petitioners are in peaceful possession and enjoyment of the property measuring to an extent of 5.8 cents along with 43 trees in S.No.51/1 in Thazhuthalamedu Village, Jayankondacholapuram Taluk, Ariyalur District. The benefits out of the trees had been enjoyed by one Duraiyapparaj and after his demise, the petitioners have been in peaceful possession and enjoyment of the property by virtue of the 2C tree patta issued by the Revenue Tahsildar, Udayarpalayam Taluk, Ariyalur District.

3.The petitioners were issued 2C Tree patta by the fourth respondent on 15.07.1993.

4.This Court perused the documents submitted by the petitioner. It is seen that the grant is only a license to collect the usufructs from the trees standing in the property and the petitioners cannot claim any right in respect of the land. However, the petitioners have submitted the representation on 04.07.2015 to the respondent requesting not to cancel the 2c patta granted in favour of the petitioners by the fourth respondent and to grant permission to the petitioners to maintain the trees along with the lands.

5.Considering the facts and circumstances of this case, this Court is inclined to issue a direction to the concerned respondent to consider the representation dated 04.07.2015 submitted by the petitioners in accordance with law after giving an opportunity of personal hearing and thereafter pass appropriate order on merits. This exercise shall done by the third respondent within a period of fourteen weeks from the date of receipt of a copy of this order.

With the above directions, the writ petition is disposed of. No Costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

Copy to

- 1.The Director,
Directorate of Rural Development,
and Panchayat Raj,
Panagal Buildings,
Saidapet,
Chennai-15.
- 2.The District Collector,
Ariyalur District,
Ariyalur.
- 3.The Assistant Director (Panchayats),
Ariyalur District,
Ariyalur.
- 4.The Revenue Tahsildar,
Jayankondacholapuram,
Udayarpalayam Taluk,
Ariyalur District.
- 5.The Commissioner,
Jayankondam Panchayat Union,
Thazhuthalamedu
Udayarpalayam Taluk,
Ariyalur District.

6.The President,
Thazhuthalamedu Panchayat,
Udayarpalayam Taluk,
Ariyalur District.

+1cc to Mr.G.Pugazhenthii, Advocate, S.R.No.10158

+1cc to the Government Pleader, S.R.No.9928

W.P.No.22500 of 2015

BR(CO)
CB(12/07/2021)



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