

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2021

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

W.P.No. 5491 of 2021

P.C.Subramanian,
S/o. Chinnathambi

... Petitioner

Versus

1. The Additional Chief Secretary/
Commissioner of Land Administration.
Ezhilagam, Chepauk,
Chennai-600 005.
2. The District Collector,
O/o. District Collectorate,
Erode District, Erode.
3. The District Revenue Officer,
Erode District, Erode.
4. The Revenue Divisional Officer,
Erode District, Erode.
5. The Special Tahsildar (L.A.),
S.M.I.P. Gobichettipalayam,
Erode Dt.-638 452.
6. The Chief Engineer (WRO),
Coimbatore Region,
Coimbatore-1.
7. The Superintendent Engineer,
PWD Department (WRO),
Bavani Basin Circle, Erode-11.
8. The Executive Engineer, P.W.D.,
Project Planning & Designs Division,
District Treasury Building,
Sampath Nagar, Erode-638 011.

9. The Executive Engineer,
PWD Department (WRO),
Lower Bhavani Basin Division,
Erode.

10. The Assistant Executive Engineer,
PWD Department (WRO),
Irrigation Sub-Division,
Gobichettipalayam, Erode.

11. The Junior Engineer,
Irrigation Department,
Kavundhapadi,
Erode Dt.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to reconvey the land to an extent of 1.12 acres in R.S. No.180, Old No.168 situated at Thingalur Village, Perundurai Taluk, Erode District to the petitioner within a time frame that may be fixed by this Hon'ble Court.

For Petitioner : Mr.M.R.Kuyilan

For Respondents : Mr.V.Anandhamurthy,
Addl. Govt. Pleader

O R D E R

(The case has been heard through video conference)

This Writ Petition has been filed seeking a direction directing the respondents to reconvey the land in R.S.No.180, Old S.No.168 situated at Thingalur Village, Perundurai Taluk, Erode District to the petitioner.

2. The grievance of the petitioner is that earlier, the respondents 1 to 5, have acquired the petitioner's land in the year 1978 under the Special Minor Irrigation Project (S.M.I.P.) for construction of small pond. Even though the land was acquired, the possession was not taken from the petitioner and he is in possession of the property and till date, the scheme was not implemented and no pond was constructed by the authorities. It is also seen that subsequently, the Government has constructed a pond in a Government land and hence, the land is not required for the purpose, for which it was acquired. In the said circumstances, the petitioner said to have approached the Public Works Department authority seeking for reconveyance

of the land and also made a representation to the 1st respondent. Now, it is stated that the Public Works Department authority has also sent a recommendation to the 1st respondent to exclude the land and to reconvey the land to the petitioner, as the land is not required for the purpose, which was acquired. Now, the matter is pending with the 1st respondent and so far, no order has been passed. Hence, the present Writ Petition has been filed by the petitioner.

3. The learned counsel appearing for petitioner would submit that even though the acquisition was made in the year 1978, so far, the land was not used for the purpose, for which, it was acquired and now, the 3rd respondent has sent a recommendation to the 1st respondent to reconvey the land in favour of petitioner. But, the 1st respondent has not passed any order.

4. The learned Additional Government Pleader appearing for respondents would submit that now, the petitioner's representation is pending with the 1st respondent. Hence, the 1st respondent may be directed to pass orders on merits.

5. Considering the above circumstances, this Court is of the view that instead of granting relief sought by the petitioner, as the representation pending with the 1st respondent, it is suffice to direct the 1st respondent to consider the petitioner's representation dated 04.08.2020 and pass orders on merits in accordance with law within a period of twelve weeks from the date of receipt of copy of this order. Accordingly, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

rpp

To

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Commissioner of Land Administration.
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Chennai-600 005.
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O/o. District Collectorate,
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3. The District Revenue Officer,
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11. The Junior Engineer,
Irrigation Department,
Kavundhapadi, Erode Dt.

+1cc to Mr.M.R.Kuyilan, Advocate SR.No.23711

+1cc to Government Pleader SR.No.23388

W.P.No. 5491 of 2021

GPL(CO)
GMY(16/06/2021)