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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.9536 of 2021

K.Nagarajan

.. Petitioner

Vs

- 1 The Chief Secretary
Secretariat Office
Chennai - 600 009.
- 2 The Commissioner
Chennai City Corporation
Rippon building
Chennai-600 003.
- 3 The District Collector
District Collector Office
Singaravelar Maligai
No.62 Rajaji Road
Chennai-600001.
- 4 The Revenue Divisional Officer
Revenue Divisional Office (South)
Guindy, Chennai-600032.
- 5 The Tahsildar
Tahsildar office
Sozhinga Nallur
Chennai-600 119.
- 6 The Secretary
ST and SC Welfare Office
Secretariat Office
Chennai-600009.



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7 The District SC and ST Welfare Officer
District Collector Office
Singaravelar Maligai
No.62 Rajaji Road
Chennai-600001.

8 The Inspector General of Registrar
Sathome High Road
Santhome
Chennai-600028.

9 The District Registrar
District Registrar Office
Guindy CIDCO Industrial Estate
Guindy, Chennai-600 032.

10 The Sub Registrar
Sub Registrar Office, Nanganallur
Chennai-600061.

11 The Executive Engineer
CMWSSB, Perungudi Mandal-14
No.6/64, Ullagaram
Chennai-600091.

12 The Assistant Engineer
TANGEDCO, Madippakkam
Chennai-600091.

13 The Commissioner of Police
Chennai City Corporation
Vepery, Chennai-600007.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 3rd respondent to consider the petitioner's representation dated 14.10.2020 to take serious steps to retrieve the Panchami Lands from Non Dalit occupants at Chennai District, Corporation of Chennai Perungudi Zone-14, Ward No.169 Survey No.69(1B), 70, 73 and 76 according the 'A' register in the Village of Ullagaram and it may be used for the Dalit communities according the rules and regulations issued by the Tamil Nadu Government to protect the Dalit rights and livelihood.

For Petitioner

: Ms.R.Pushpalatha



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For Respondents

: Ms.Karthika Ashok
Sr.Standing Counsel (Corp'n)
for 2nd respondent

: Mr.C.Harsha Raj
Counsel for the State
for respondent Nos.1, 3 to
10
and 13

ORDER

(Order of the Court was made by Senthilkumar Ramamoorthy, J.)

The petitioner complains of the alleged allotment of Panchami - Cheri natham lands to non-Dalits.

2. The petitioner states that the lands in S.Nos.69(1B), 70, 73 and 76 in Ullagaram village are classified as Panchami or Cheri natham lands in the relevant revenue records. Consequently, it is stated that such lands are only to be allotted to persons belonging to scheduled castes. Instead, it is alleged that the said lands have been allotted to several persons, who do not belong to scheduled castes. In spite of issuing notices to the official respondents on 15.10.2020 to prevent them from registering such lands in the names of non-Dalits, it is alleged that the official respondents have not taken any action on the petitioner's complaint.

3. Mr.Harsha Raj, learned counsel for the State, accepts notice on behalf of respondents 1, 3 to 10 and 13. He states that the representation of the petitioner was not submitted to the third respondent - District Collector who is the appropriate authority to decide the representation. He further states that if a representation is submitted to the third respondent - District Collector, the same will be considered and disposed of in accordance with law.

4. Accordingly, without going into the merits of the matter, the petitioner is granted leave to submit a fresh representation to the third respondent - District Collector within a period of two weeks from the date of receipt of a copy of this order. Upon receipt thereof, the third respondent is directed to consider and dispose of the representation by a reasoned order after providing a reasonable opportunity of hearing to the petitioner and others who would be affected by such decision. Such reasoned order shall be passed within a period of two months from the date of receipt of such representation.



5. W.P.No.9536 of 2021 is disposed of on these terms. Consequently, W.M.P.Nos.10132, 10138, 10139 and 10141 of 2021 are closed. There will be no order as to costs.

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Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

bbr

To:

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+lcc to M/S.R.Pushpalatha, Advocate, S.R.No.35280
+lcc to the Government Pleader, S.R.No.35307

W.P.No.9536 of 2021

CP(CO)
SU(30/07/2021)