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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2021

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P. Nos. 29959 to 29962 of 2016

Babu	... Petitioner in W.P. No.29959 of 2016
C.Jalagesan	... Petitioner in W.P. No.29960 of 2016
G.Boopathy	... Petitioner in W.P. No.29961 of 2016
S.Suseela	... Petitioner in W.P. No.29962 of 2016

Versus

1. The District Collector,
Krishnagiri District,
Krishnagiri.
- 2.The Special Thasildar (L.A.),
SIPCOT DIVISION - 3 (UNIT I),
Hosour Extension,
Soolagiri Taluk,
Krishnagiri District.
3. The Thasildar,
Krishnagiri Taluk,
Krishnagiri District.

4.Thirupathi Gounder	... Respondents in all the cases
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Prayer in all the cases: Writ petitions filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to consider the representation of the petitioners dated 18.08.2016 within the time stipulated by this Court.

For Petitioners(in all WPs) : Dr.G.Krishnamurthy

For Respondents(in all Wps) : Mr.G.Krishnaraja
Government Counsel for R1 to R3

COMMON ORDER

These Writ Petitions are filed, seeking to issue a Writ of Mandamus directing the respondents 1 to 3 to consider the representation dated 18.08.2016 given by the petitioners within the time stipulated by this Court.



2. It is the case of the petitioners that they are doing agricultural activities in the land belonging to one Thirupathi Gounder, the fourth respondent herein. While so, the fourth respondent, without any reason, asked the petitioners to vacate and hand over the possession as he planned to sell the property. In this regard, the fourth respondent assured them to give compensation or a part of the land. Since the fourth respondent has either paid compensation or part with his land, the petitioners have approached the revenue officials to issue patta in their name on the ground that they are in possession of the lands and cultivating it for more than 30 years. As the claim of the petitioners was not considered, they have filed W.P. Nos.13299 to 13302 of 2005 before this Court for a Mandamus and by order dated 21.04.2005, this Court directed the respondents therein to dispose of the petitioners' representation. Pursuant to such direction, the Special Tahsildar, Soolagiri, the second respondent herein refused to grant patta to the petitioners. Aggrieved by the same, the petitioners have filed a Revision before the Commissioner of Land Administration, Chepauk and it was dismissed. Challenging the same, the petitioners have filed WP Nos. 21124, 21125, 21126 and 21127 of 2008 before this Court. While so, the first respondent proposed to acquire the lands which are under the occupation of the petitioners for establishment of SIPCOT and a notice for acquisition was displayed in the office of the District Collector, Krishnagiri. Immediately, the petitioners have approached the respondents 2 and 3 in person and questioned the acquisition proceedings, however, the respondents 2 and 3 orally stated that the petitioners are not the owners of the land and they are not entitled for any compensation. The petitioners therefore submitted representation on 18.08.2016 questioning the acquisition proceedings and to pay them compensation after affording an opportunity to them to submit their objection. It is stated that on receipt of the representation dated 18.08.2016, the respondents 2 and 3 did not conduct any enquiry or passed any orders thereof, hence, the present writ petition.

3. Mr. R.A.S.Sakthivel, learned Government Counsel appearing for the respondents 1 to 3 submitted that the earlier WP No. 21124 to 21127 of 2008 filed by the petitioners was dismissed as withdrawn on 19.07.2019 and the present writ petition has been filed to consider their claim on merits. The learned Government Counsel fairly submits that the representation dated 18.08.2016 of the petitioners will be considered by the second respondent on merits.

4. Heard the learned counsel for the petitioners as well as the learned Government Counsel appearing for respondents 1 to 3 and perused the materials available on record.

5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel for the petitioners, this Court directs the second respondent to consider the petitioners' representation dated 18.08.2016 on the basis of the documents to be produced by them and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to them and the fourth respondent, within a period two weeks from the date of receipt of a copy of this order.



6. With the above direction, these Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petition (s) is/are closed.

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vum/rsh

-sd/-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The District Collector,
Krishnagiri District,
Krishnagiri.
2. The Special Thasildar (L.A.),
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Krishnagiri District.
3. The Thasildar,
Krishnagiri Taluk,
Krishnagiri District.

+4 C.C. TO M/S.S.V.S.ILAMVAZHUTHI, ADVOCATE SR.NOS.45122 TO 45125/2021

+1 C.C. TO GOVERNMENT PLEADER, HIGH COURT, MADRAS, SR.NOS.45826 & 45817/2021

WP Nos.29959 to 29962/2016

SJ(CO)
DV(21/10/2021)