

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.NO.18998 OF 2021

N.Ramasamy

... Petitioner

Vs.

1. The District Collector,
Collectorate, Namakkal District
Namakkal
2. The District Revenue Officer,
District Collectorate, Namakkal District
Namakkal
3. The Revenue Divisional Officer,
Thiruchengode Taluk, Vellore Road,
Thiruchengode, Namakkal District.
4. The Tahsildar, Office of Tahsildar,
Vellore Road, Thiruchengode Taluk,
Thiruchengode, Namakkal District

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 4th respondent to receive the amount of Rs.19,440/- as fixed by the 2nd respondent in the assignment order dated 13.10.1998 along with interest as fixed in the Judgment made in A.S.No.19 of 2013 dated 17.12.2013 on the file of the Sub Court, Thiruchengode and issue patta in favour of the petitioner as per his representation dated 26.02.2021 for the land measuring 0.37.0 hectares in Survey No.44/1 situating at Molippalli Village, Tiruchengode Taluk, Namakkal District.

For Petitioner : Mr.C.Kulanthaivel

For Respondents : Mr.V.Veluchamy
Government Advocate

O R D E R

This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the

4th respondent to receive the amount of Rs.19,440/- as fixed by the 2nd respondent in the assignment order dated 13.10.1998 along with interest as fixed in the Judgment made in A.S.No.19 of 2013 dated 17.12.2013 on the file of the Sub Court, Thiruchengode and issue patta in favour of the petitioner as per his representation dated 26.02.2021 for the land measuring 0.37.0 hectares in Survey No.44/1 situating at Molippalli Village, Tiruchengode Taluk, Namakkal District.

2. According to the petitioner, his mother is in continuous possession and enjoyment of the land measuring an extent of 0.37.0 hectares in survey no.44/1 situated at Molipalli Village, Thiruchengode Taluk, Namakkal District, which described in the revenue records as 'Anadeenam Poramboke' and subsequently, the same is in continuous possession and enjoyment of the petitioner also for more than 70 years. Further, the petitioner has spent huge money and manpower to develop the said land to be suited to cultivable one. Based on the representations and several documents placed on record, the 3rd respondent recommended to assign the land in favour of the petitioner to the 2nd respondent. The 2nd respondent has passed an order of assignment of the said lands in favour of the petitioner on 13.10.1998 and the value of the said land was classified as Rs.19,440/- . Moreover, the 4th respondent was directed to collect the said land value from the petitioner along with sub division, stone and tree changes and issue patta in favour of the petitioner by mutating the revenue records.

3. Thereafter, the petitioner has approached the 4th respondent immediately and it was informed to the petitioner that they have to survey the said assigned lands before mutating in the revenue records, however the same was not done for long time, and the petitioner also was not able to pay the amount as assessed by the 2nd respondent in the assignment order, due to poverty and poor economical situation. Further, the petitioner arranged to pay the amount in the 1st Week of August 2008, however, the 4th respondent refused to receive the payment from the petitioner and issued a memo on 13.08.2008 stating that there is a delay in making the payment. Thereafter, the petitioner issued notice dated 03.08.2010 to the respondents to point out that there is no limitation fixed by the 2nd respondent to pay the amount.

4. Further, the petitioner contends that there was either any response or any reply from the respondents, hence the petitioner has filed a civil suit in O.S.No.277 of 2010 before the District Munsif, Tiruchengode to issue a mandatory injunction to the 4th respondent to receive the amount of Rs.19,400/- as assessed in assignment order of the 2nd respondent dated 13.10.1998 and issue patta in favour of the petitioner.

The said suit was decreed on 23.09.2011. As against the same, the respondents filed a appeal in A.S.No.19 of 2013 on 17.12.2013 and the said appeal was also dismissed and confirmed the decree and judgment of the trial court with further direction to the petitioner herein to pay the amount of Rs.19,440/- with interest of 6% per annum. Thereafter, no second appeal has been preferred by the petitioner and since 8 years have been lapsed from the date of judgment of the first appeal and that there was no reply from the respondents for the several representations made by the petitioner, the petitioner has come forward with this petition.

5. Though on earlier occasion, opportunity was given by this Court to the learned Government Advocate appearing for the respondents to seek instructions, the learned Government Advocate reports no instructions and the learned counsel for the petitioner would limit his prayer by stating that it would suffice if the respondents are directed to consider the representation made by the petitioner.

6. In view of the above and taking into consideration of the facts and circumstances of the case and without expressing any opinion on the merits of the matter, there shall be a direction to the 4th respondent to consider the representation made by the petitioner dated 26.02.2021 and deal with the same strictly in accordance with law and pass appropriate orders [after affording opportunity to all the parties], within a period of four months from the date of receipt of a copy of this order.

In view of the above, the present Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ssd

To

1. The District Collector,
Collectorate, Namakkal District
Namakkal
2. The District Revenue Officer,
District Collectorate, Namakkal District
Namakkal

3. The Revenue Divisional Officer,
Thiruchengode Taluk, Vellore Road,
Thiruchengode, Namakkal District.
4. The Tahsildar, Office of the Tahsildar,
Vellore Road, Thiruchengode Taluk,
Thiruchengode, Namakkal District

+1cc to Mr.C.Kulanthaivel , Advocate, S.R.No.52677

+1cc to the Government Pleader, S.R.No.46135

W.P.No.18998 of 2021

MG(CO)
PM/01/11/2021