



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2021

CORAM:

THE HON'BLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

W.P.No.20548 of 2021

M.Dharmalingam

...Petitioner

Vs.

1. The District Collector,
Ranipet District,
Ranipet.
2. The District Revenue Officer,
Ranipet District,
Ranipet.
3. The Revenue Divisional Officer,
Arakonam Division,
Arakonam.
4. The Tahsildar,
Arakonam Division,
Arakonam.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st respondent to consider the application dated 07.11.2016 submitted by the petitioner requesting for grant of compensation for acquiring leasehold rights in property comprised in R.S.No.117/1-(Part), 4 and 5 measuring to an extent of Acre 5.04 Cents in Perumuchi Village, Arakkonam Taluk and Vellore District within a time frame fixed by this Court.

For Petitioner : Mr.M.V.Seshachari

For Respondents : Mr.Yogesh Kannadasan
Government Advocate

ORDER

This writ petition has been filed for issuance of Writ of Mandamus, directing the 1st respondent to consider the application dated 07.11.2016 submitted by the petitioner



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requesting for grant of compensation for acquiring leasehold rights in property comprised in R.S.No.117/1-(Part), 4 and 5 measuring to an extent of Acre 5.04 Cents in Perumuchi Village, Arakkonam Taluk and Vellore District within a time frame fixed by this Court.

2. According to the petitioner, the petitioner's deceased father P.Muniyan was an Ex-service man, employed in Indian army. While he was in service, he became a differently abled person and was discharged from service. In order to compensate for the disability suffered by him, while he was in service, his father was allotted agricultural land of an extent of Acres 5.04 cents by Military Estate Officer, Madras Circle, as per the proceedings in letter dated 13.10.1969 in N/49-Allot-1B/311. Subsequently, a lease deed dated 13.11.1970 was entered between the Military Estate Officer, Madras Circle and the petitioner's father in respect of the above said property in R.S.No.117/1 (part), 4 and 5 in Perumuchi Village, Arakkonam Taluk, previously Vellore District, presently Ranipet District. During the year 1977, the above said property in Perumuchi Village was acquired for establishment of INS Rajali by the Indian Air Force. Thereafter, his father struggled to cultivate the aforesaid agricultural lands. Due to family situation and poor financial circumstances, he was unable to pay the lease charges for some period and therefore, no compensation on employment was given to his father while acquiring lands for INS Rajali. Later, the petitioner's father died intestate on 16.02.1987 leaving behind four daughters, three sons out of whom, one son predeceased and five grand children. The petitioner is living in a very poor financial situation and surviving only on the basis of old age pension being granted by the Government of Tamil Nadu, is not sufficient for his survival. Therefore, he made an application dated 07.11.2016 to the District Collector, Vellore District to grant compensation for acquiring the leasehold right in respect of the aforesaid property and the same was acknowledged vide letter dated 11.11.2016 and thereafter, the Revenue Divisional Officer, Ranipet was directed to submit an enquiry report. Accordingly, the Tahsildar, Arakkonam Taluk conducted an enquiry and submitted a report dated 31.03.2017 in O.M.B.1/1842/2017 recommending grant of compensation to the petitioner. Only after regular follow up with the respondents and submitting numerous applications, the Revenue Divisional Officer, Arakkonam had conducted an enquiry and submitted a report dated 16.03.2020 in Na.Ka.No.C1/340/2020 to the District Revenue Officer, Vellore, recommending for grant of free house site Patta and employment under 100 days employment scheme to the petitioner. Though the said recommendation made by the Revenue Divisional Officer, Arakkonam dated 16.03.2020 had been received by the respondents 1&2, they had not passed any orders regarding his application. Due to the delay on the part of the



respondents in processing the petitioner's request for grant of compensation, the petitioner has been put to heavy and irreparable loss and serious hardship is caused to the petitioner. Hence, the petitioner has approached this Court seeking for appropriate relief.

3. The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the 1st respondent to consider the petitioner's representation dated 07.11.2016 and dispose of the same within a stipulated time that may be framed by this Court.

4. Having regard to the limited scope of the prayer that is now sought for in this writ petition before this Court and taking into account the submissions made on either side, without expressing any opinion on the merits of the petitioner's representation or the case pleaded by the petitioner in the present writ petition, the Writ Petition is disposed of, with a direction to the 1st respondent to consider the petitioner's representation dated 07.11.2016 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner and respondents within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

gba

To

1. The District Collector,
Ranipet District,
Ranipet.
2. The District Revenue Officer,
Ranipet District,
Ranipet.
3. The Revenue Divisional Officer,
Arakkonam Division,
Arakkonam.



4. The Tahsildar,
Arakkonam.

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+1cc to M/s.M.V.Seshachari, Advocate, S.R.No.50189

+1cc to the Government Pleader, S.R.No.50088

W.P.No.20548 of 2021

SMI (CO)
SU (26/10/2021)