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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2021

CORAM:

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.NO.21549 OF 2021

P.Boopathy

... Petitioner

.Vs.

1. The District Collector,
District Collector Office,
Dharmapuri.
2. The District Revenue Officer,
District Collector Office,
Dharmapuri.
3. The Revenue Divisional Officer,
Revenue Divisional Officer Office,
Dharmapuri.
4. The Tahsildar,
Tahsildar Office,
Nallampalli Taluk,
Dharmapuri.
5. The Village Administrative Officer,
Village Administrative Office,
Thadangam Village,
Thokkampatti Post,
Nallampalli Taluk,
Dharmapuri.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 4th respondent to conduct an enquiry on the petitioners representations dated 13.12.2019 and also make field inspection in the land measuring to an extent 1.32.5 hectare in S.No.136/1 of Thadangam Village and file a report as directed by 3rd respondent in his proceedings O.Mu.6132/2019/A2 dated 19.12.2019 to enable the petitioner to get patta.



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For Petitioner : Mr.A.Ilaya Perumal

For Respondents : Mr.Yogesh Kannadasan
Government Advocate

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, direction to the 4th respondent to conduct an enquiry on the petitioners representation dated 13.12.2019 and also make field inspection in the land measuring to an extent of 1.32.5 hectare in S.No.136/1 of Thadangam Village and file a report as directed by the 3rd respondent in his proceedings O.Mu.6132/2019/A2, dated 19.12.2019 to enable the petitioner to get Patta.

2. According to the petitioner, he and his family members are in joint possession of the property comprised in Survey No.136/1 of Thadangam Village, Thokkampatti Post, Nallampalli Taluk, Dharmapuri District, measuring to an extent of 1.32.5 hectare, for more than 50 years without any interference and disturbance and they are doing agriculture in the above said land for their livelihood. He comes under the category of "Poor Agriculturist Labour Families" and the above said land is a waste land, where the petitioner and his ancestors have struggled to convert it into cultivable lands. As per the G.O. (Ms.)No.241 dated 12.09.2006 was introduced the scheme of "distribution of 2 are wasteland to the landless poor Agricultural labour families. As per Government Order, the petitioner is eligible for getting two acres of agricultural land and therefore, he made a representation dated 13.12.2019 to the respondents and the same was acknowledged on 17.12.2019, but, till date no action has been taken by the respondents. Moreover, the 3rd respondent/Tahsildar vide his proceedings in O.Mu.6132/2019/A3 dated 19.12.2019 has directed the 4th respondent to make an enquiry and submitted a report and a copy was marked to the petitioner. On January, 2020, he has been regularly approached the 4th respondent's office to take action on the proceedings of the 3rd respondent, whereas, the 4th respondent always postponed the matter due to COVID-19 pandemic, therefore, he is unable to take action on the said proceedings of the 3rd respondent, but no action has been taken by the 4th respondent. Aggrieved by the same, the petitioner sent a representation dated 13.12.2019 and also for not submitting the report as directed by the 3rd respondent, till date no action has been taken by the respondents. Therefore, he has no other alternative remedy except to approach this Court under Article 226 of the Constitution of India. Hence this petition.



3. The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the 4th respondent to consider the petitioner's representation dated 13.12.2019 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 4th respondent to consider the petitioner's representation dated 13.12.2019 as per G.O.Ms.No.241 (Agriculture (WD,1) Department), dated 12.09.2006 and pass appropriate orders, on merits and in accordance with law, after affording an ample opportunity to the petitioner and necessary parties within a period of four months from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

gba

To

1. The District Collector,
District Collector Office,
Dharmapuri.
2. The District Revenue Officer,
District Collector Office,
Dharmapuri.
3. The Revenue Divisional Officer,
Revenue Divisional Officer Office,
Dharmapuri.
4. The Tahsildar,
Tahsildar Office,
Nallampalli Taluk,
Dharmapuri.



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5. The Village Administrative Officer,
Village Administrative Office,
Thadangam Village,
Thokkampatti Post,
Nallampalli Taluk,
Dharmapuri.

+1cc to Mr.A.Ilaya Perumal, Advocate, S.R.No.51941
+1cc to the Government Pleader, S.R.No.52766

W.P.NO.21549 OF 2021

AK-II (CO)
PBS/15/11/2021