



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2021

CORAM:

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD).No.8584 of 2021

K.Palaniselvam

... Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Revenue Divisional Officer,
Dindigul District,
Dindigul.

3.The Tahsildar,
Dindigul East Taluk,
Dindigul District, Dindigul.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondent to pass final orders for assignment of lands in S.No.1351/1, Sengurichi Village, Dindigul Taluk, Dindigul District, in favour of the petitioner under the Tamil Nadu Government's Scheme of distribution of 2 acres of waste lands to the families of landless poor agriculturists taking into account the various recommendations made in such regards within a time frame as may be fixed by this Court.

For Petitioner : Mr.V.Prakash

For Respondents : Mr.M.Rajarajan
Additional Government Pleader

ORDER

This writ petition has been filed for the issuance of Writ of Mandamus, directing the respondents to pass final orders on the representations/applications made by the petitioner, who is seeking for the assignment of the subject property in his favour.

2.The case of the petitioner is that he along with nearly 33 persons were in possession and enjoyment of the lands in S.No.1351/1, Sengurichi Village, Dindigul Taluk, Dindigul District, for several years. It is further claimed that these persons also made improvements in the property and this property is classified in



the revenue records as a common assessed waste land.

3.It is further stated that the petitioner and the similarly placed persons made representations to the respondents seeking for assigning the portions of the land, in which, they are in possession and enjoyment for several years. According to the petitioner, based on the representations given by the petitioner and others, the Sengurichi Panchayat also passed a Resolution, on 21.12.2007, giving their no objection for assigning the lands to all deserving persons. Subsequently, Form A I notice was also published calling for objections from the public for assignment of the lands and it is claimed that there was no objection raised from any quarters.

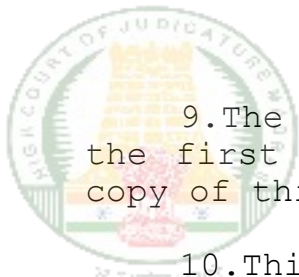
4.It is further claimed by the petitioner that the Revenue Inspector and the Deputy Tahsildar, Dindigul Taluk, conducted a field inspection and a report was also submitted to the third respondent in the year 2010, recommending for the assignment of an extent of 19.85.5 hectares of land in S.No.1351/1 to 34 persons. The amount that is payable per acre was also determined.

5.The further case of the petitioner is that the second respondent by letter, dated 12.11.2010, had also made a communication that the subject property will be assigned in favour of the petitioner and others and in the said process, the concurrence of the District Forest Officer, Dindigul District, was also sought for and it is informed that the concerned officer gave a no objection through letter, dated 29.12.2010.

6.The grievance of the petitioner is that thereafter, there was absolutely, no progress in spite of several representations being made by the petitioner right from the year 2012 onwards. Left with no other alternative, the present writ petition has been filed before this Court, seeking for appropriate directions.

7.Heard Mr.V.Prakash, learned counsel for the petitioner and Mr.M.Rajarajan, learned Additional Government Pleader, for the respondents.

8.Taking into consideration the facts and circumstances of the case and also the fact that the process of assignment has progressed considerably and there seems to be no development after 2010, there shall be a direction to the first respondent to consider the representation made by the petitioner, on 02.12.2019 and act upon the same strictly in accordance with law and take a decision, within a period of twelve weeks from the date of receipt of a copy of this order. The first respondent while considering the representation made by the petitioner, shall take into consideration the earlier reports and apart from the petitioner, the case of the other deserving persons, who had sought for similar assignment, shall also be considered.



9.The petitioner is directed to make a fresh representation to the first respondent along with all relevant documents and also a copy of this order.

10.This writ petition is disposed of with the above directions.
No costs.

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Sd/-

Assistant Registrar (CSI)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

To

1.The District Collector,
Dindigul District,
Dindigul.

2.The Revenue Divisional Officer,
Dindigul District,
Dindigul.

3.The Tahsildar,
Dindigul East Taluk,
Dindigul District, Dindigul.

+1 CC to M/s.SPL GP (SR-17922[F] dated 28/04/2021)

W.P. (MD) .No.8584 of 2021

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GS (9.06.2021) 3P 5C