



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.08.2021

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.15382 of 2021

and

W.M.P. (MD)No.12279 of 2021

1.P.Muthukrishnan

2.K.M.Sheik Maideen

... Petitioners

Vs.

1.The Secretary to Government.

Adi Dravidar and Tribal Welfare Department,
Secretariat,
Chennai - 600 009.

2.The District Collector,
Collectorate,
Tirunelveli District.

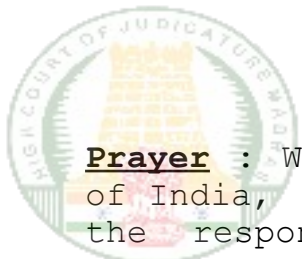
3.The Sub Collector,
Sub Collector Office,
Cheranmahadevi,
Tirunelveli District.

4.The Tahsildar,
Tahsildar Office,
Cheranmahadevi,
Tirunelveli District.

5.V.Sivakrishna Moorthy, I.A.S.,
Sub Collector,
Cheranmahadevi,
Tirunelveli District.

6.C.Anbuselvam,
State President,
Veera Tamilar Viduthalai Sangam,
No.13/A, Ebenezer Street,
Pallikaranai, Chennai.

... Respondents



Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 4 herein to consider the petitioners' representation dated 05.08.2021 (Submitted in person and sent through registered post on 12.08.2021) and pass appropriate orders within a time stipulated by this Court, permitting the petitioners to develop the land in Survey Nos.176/1A part, 1B, 2A1 part, 2A2, 178/1A1, 2A1, 2B to an extent of 9.21 Acres in South Kallidaikurichi Village, Ambasamudram Taluk, Tirunelveli District in pursuance to the layout approval granted by the Deputy Director of Town and Country Planning, Tirunelveli Region and protect the title and possession of the petitioners.

For Petitioners : Mr.V.Meenakshisundaram
For Mr.D.Nallathambi.

For Respondents : Mr.P.Subbaraj,
Counsel for Govt. of Tamilnadu for R1 to R4

ORDER

The petitioners seek a direction to respondents 1 to 4 to consider their representation dated 05.08.2021 and to pass appropriate orders thereon.

2.The petitioners state that the properties bearing survey numbers Survey Nos.176/1A part, 1B, 2A1 part, 2A2, 178/1A1, 2A1, 2B in South Kallidaikurichi Village, Ambasamudram Taluk, Tirunelveli District originally belonged to one Eswaran. Subsequently, such properties were conveyed to one H.Sowmya and H. Rajesh under a family arrangement. The acquisition of the said lands for the purposes of a scheme in favour of the Adi Dravidar community was quashed by an order dated 13.09.2000 in W.P.(MD)Nos.1815 and 1853 of 1999 by this Court. Meanwhile, pattas were issued in favour of a few beneficiaries. The petitioners state that such pattas were also cancelled. Subsequent thereto, the pattas were restored to the original owners. Such original owners conveyed the properties to the principals of the petitioners under three sale deeds each dated 28.03.2013. The principals also executed a power of attorney dated 02.06.2016 in favour of the petitioners. One of the principals died and, therefore another power of attorney dated 05.03.2021 was executed in favour of the petitioners. The petitioners received a copy of a proceedings dated 03.08.2021 from the third respondent to the Deputy Superintendent of Police, Ambasamuthuram in response to the complaint from the sixth respondent. The present Writ Petition is filed for the consideration and disposal of the representation dated 05.08.2021 in the aforesaid facts and circumstances.



3.Mr.P.Subbaraj, learned Counsel for the State, accepts notice on behalf of the respondents 1 to 4. He submits that the petitioners' representation may be considered and disposed of on merits.

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4.The facts and documents on record indicate *prima facie* that the petitioners' principals acquired the properties in question under three sale deeds executed on 28.03.2013. The powers of attorney in favour of the petitioners, including the latest power of attorney dated 05.02.2021, are on record. As such, the petitioners have made out a case for the consideration of their representation. However, since the petitioners purportedly raise this issue on behalf of their principals, the said principals would have to be put on notice. In addition, the contesting respondent, namely, Veera Tamilar Viduthalai Sangam would have to be put on notice through its authorised representative before a decision is taken.

5.Accordingly, without going into the merits of the matter, the second respondent herein is directed to consider the petitioners' representation dated 05.08.2021 and dispose of the same by a reasoned order after providing a reasonable opportunity to the petitioners, their principals, Veera Tamilar Viduthalai Sangam through its authorised representative and any others who would be affected by such decision. Such reasoned order shall be passed within a period of two months from the date of receipt of a copy of this order. In view of the fact that the merits of the matter have not been gone into and the second respondent is directed to hear the sixth respondent, the Writ Petition is disposed of without notice to the sixth respondent.

6.W.P.(MD)No.15382 of 2021 is disposed of on these terms without any order as to costs. Consequently, connected miscellaneous petition is filed.

Sd/-

Assistant Registrar (CS II)

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/ /2021

Sub Assistant Registrar(CS)

TMG/ias

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the

<https://hccservicescentre.gov.in/tcservices>



To:

1.The Secretary,
Adi Dravidar and Tribal Welfare Department,
Secretariat,
Chennai - 600 009.

2.The District Collector,
Collectorate,
Tirunelveli District.

3.The Sub Collector,
Sub Collector Office,
Cheranmahadevi,
Tirunelveli District.

4.The Tahsildar,
Tahsildar Office,
Cheranmahadevi,
Tirunelveli District.

+1 CC to M/s.D.NALLATHAMBI, Advocate (SR-28009[F] dated
02/09/2021)

+1 CC to M/s.GP (SR-27746[F] dated 01/09/2021)

W.P (MD) No.15382 of 2021
31.08.2021

MGJ(08.09.2021) 4P 7C