



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2022

CORAM:

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. No.31775 of 2004

and

W.P.M.P. No.38501 of 2004

1. Theethan @ Koosan
2. R. Ponnar
3. Ponnammal

.... Petitioners

Versus

1. The District Collector,  
Salem.
2. The Tahsildar,  
Omalur,  
Salem District.
3. The Block Development Officer  
Kadayampatti Panchayat Union  
Omalur Tk.  
Salem Dt.

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus or direction in the nature of writ, forbearing the respondents from evicting the petitioners from the lands measuring 1.19.0 Hectares in S. No.474/2, 1.49.5 Hectares in S. No.465/1 and 0.26.5 Hectares in S. No.474/2 of Kanavaipudur Village, Omalur Taluk, Salem District, respectively and further direct the respondents to grant patta to the petitioners in accordance with G.O. Ms. No.255 Adi Dravidar and tribal Welfare (TDD.2) Department dated 02.11.93.

For Petitioners : Mr.D. Shivakumaran

For Respondents : Mr.G. Nanmaran  
Spl. Govt. Pleader

ORDER

The case of the petitioners is that they hail from Kanavaipudur Village, Omalur Taluk, Salem District. It is alleged that for rehabilitation measure for landless poor



persons, a Society has been formed and the individuals lands have been utilised during that course of time and subsequently, the said Society wound up. Later recommendations have been made for grant of patta to the aforesaid individuals. Thereafter, it came to light that G.O. Ms. No.255, Adi Dravidar and Tribal Welfare (TDD.2) Department, dated 02.11.93 has been issued to assign the lands under the possession of various societies to individual members. In the instant case, no orders has been passed by the respondents, till date, hence this petition has been filed for grant of patta in their favour as per the said G.O. as well as for appropriate direction.

2. Heard Mr.D. Shivakumaran, learned counsel for the petitioners and Mr.G. Nanmaran, learned Special Government Pleader appearing for the respondents.

3. The learned counsel for the petitioners submits no instructions in this matter, however, he prays for direction to the respondents to consider the grievance of the petitioners in the light of said G.O., if not considered already.

4. Learned Special Government Pleader appearing for the respondents has no objection to such a direction being issued.

5. In the light of the fair stand taken by the learned counsel on either side, this Court, without going into the merits of the case, directs the petitioners to submit their grievances by way of representation along with this order copy, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the said representation, the respondents are directed to consider the same, if not considered earlier and pass orders on merits and in accordance with law, as per G.O. stated supra, as expeditiously as possible.

Sd/-  
Assistant Registrar(CS-VII)

//True copy//

Sub Assistant Registrar

vsi2

To

1. The District Collector,  
Salem.



2. The Tahsildar,  
Omalur,  
Salem District.

3. The Block Development Officer  
Kadayampatti Panchayat Union  
Omalur Tk.  
Salem Dt.

+1cc to Government Pleader SR.No.13401

W.P. No.31775 of 2004

NK(CO)  
GMY(17/03/2022)