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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.25886 OF 2010

Tamil Manila Vivasaya Thozhilalar Sangam,
Represented by its Taluk Secretary,
Mr.K.V.Mahalingam,
Netaji Nagar, Kodaikanal,
Dindugal District-624 101.

...Petitioner

Vs.

- 1.State of Tamil Nadu,
Rep. By its Secretary to Government,
Revenue Department,
Fort St. George, Chennai-600 009.
- 2.The Special Commissioner,
Land Administration,
Ezhilagam, Chennai-600 005.
- 3.The District Collector,
Dindugal District, Dindugal.
- 4.The District Forest Officer,
Dindugal District, Dindugal.
- 5.The Thasildar,
Kodaikanal Taluk, Kodaikanal,
Dindugal District.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining the Impugned G.O.Ms.No.1168, Revenue Department dated 25.07.1989 issued by the 1st respondent to the extent of imposing the ban for assignment of land in and Hill Station is concerned and consequential letter No.24004/Ne.Mu.3 (2) 2008-1, dated 28.07.2008 and quash the same and direct the 3rd respondent to consider the petitioner representation dated 01.03.2007 and issue patta to the members of the petitioner sangam.

For Petitioner : M/s.J.Saravana Vel



For Respondents : Mrs.D.Tamilselvi
Additional Government Pleader

O R D E R

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The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned G.O.Ms.No.1168, Revenue Department dated 25.07.1989 issued by the 1st respondent and consequential letter No.24004/Ne.Mu.3(2) 2008-1, dated 28.07.2008 and quash the same and to consequently, direct the 3rd respondent to consider the petitioner representation dated 01.03.2007 and issue patta to the members of the petitioner sangam.

2. The case of the petitioner is that, about 95 families have been doing agriculture in the Government Land comprised in S.No.12 and 418 of Vadakanji Village, Kodaikanal Taluk, Dindigul District. As the Forest Officers attempted to evict the said 95 persons, they filed a Writ petition in W.P.No.13079 of 1989 and this Court vide order dated 08.03.1991 directed the respondents therein to consider the petitioners' application for patta and pass orders on the same. Pursuant to the order of this Court, the petitioners gave application for grant of patta and the Special Tahsildar, Dindugal vide letter dated 06.05.1992 forwarded the petitioners' application to the Tahsildar, Kodaikanal. However, no orders have been passed on the same. Therefore, the petitioners therein once again filed a Writ petition in W.P.No.37259/2007 and this Court by order dated 18.12.2007 directed the respondents therein to consider the representation and pass orders. In pursuance of the order of this Court, the 1st respondent vide letter dated 28.07.2008 rejected the petitioners' request to issue patta by citing the Impugned G.O.(Ms) No.1168, Revenue Department dated 25.07.1989, which deals with assignment of land in Hill area to prevent soil erosion. Hence, challenging the said Government Order the present Writ petition is filed.

3. The learned counsel appearing for the petitioner submitted that, as the present order under challenge is in respect of lands which are part of the Hill area, which have not been assigned citing Soil erosion, he is not insistent to proceed further. However, he prays this Court to grant liberty to the petitioner to proceed in accordance with law for suitable relief, if any, made by the petitioner before the respondents for alternate piece of land.

4. In view of fair submission made by the learned counsel for the petitioner, that as he is not insist to proceed further as the present impugned order is with regard to the lands forming part of Hill area, the present writ petition is



dismissed. However, liberty is granted to the petitioner sangam to proceed in accordance with law seeking alternate piece of land by submitting appropriate representation before the respondents.

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5. This Writ Petition is accordingly dismissed. No cost.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

skt

To

1.The Secretary to Government,
Revenue Department,
Fort St. George,
Chennai-600 009.

2.The Special Commissioner,
Land Administration,
Ezhilagam, Chennai-600 005.

3.The District Collector,
Dindugal District, Dindugal.

4.The District Forest Officer,
Dindugal District, Dindugal.

5.The Thasildar,
Kodaikanal Taluk, Kodaikanal,
Dindugal District.

+1cc to M/s.J.Saravanel, Advocate, Sr.No.11457

+1cc to the Special Government Pleader, Sr.No.12031

W.P.No.25886 of 2010

SKM(CO)
RVM(08/04/2022)