



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No. 7186 of 2022

Palaniyammal

...Petitioner

Vs.

1. The Chief Secretary,
Secretariat, St.George Fort,
Chennai - 600009.
2. The Commissioner of Revenue Department,
Secretariat, St.George Fort,
Chennai - 600009.
3. The District Collector,
The office of District Collectorate,
Salem District.
4. The Revenue Divisional Officer,
Office of Revenue Divisional Officer,
Sangakiri,
Salem District.
5. The Thasildar,
Office of Revenue Divisional Officer,
Edappadi Taluk, Salem District.
6. The Village Administrative Officer,
22, Konganapuram,
Edappadi Taluk,
Salem District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to issue patta in favour of the petitioner and to her Son Gowthaman and daughter Anitha for the property situated in Survey No.27/1 to an extent of 5 cents at Kundurasampalayam, Konganapuram Village, Edappadi Sub R.D, Edappadi Taluk, Salem District by considering the representation dated 30.10.2021.



For Petitioner : Mr.Karan

For Respondents : Mr.V.Veluchamy
Additional Government Pleader

WEB COPY

O R D E R

This Writ Petition has been filed to issue a Writ of Mandamus, directing the respondents to issue patta in favour of the petitioner and to her Son Gowthaman and daughter Anitha for the property situated in Survey No.27/1 to an extent of 5 cents at Kundurasampalayam, Konganapuram Village, Edappadi Sub R.D, Edappadi Taluk, Salem District, by considering the representation dated 30.10.2021.

2. Mr.V.Veluchamy, learned Additional Government Pleader, takes notice for the respondents. By consent of both the parties, the writ petition is taken up for final disposal at the time of admission itself.

3.The facts of the case are as follows:

The case of the petitioner is that the petitioner's husband is an Ex-Service Man. The petitioner and their family are residing in a Government Poramboke land in Survey No.27/1 to an extent of 5 cents situated at Kundurasampalayam, Konganapuram Village, Edappadi Sub R.D, Edappadi Taluk, Salem District, for two decades. In the meanwhile, one Palanisamy made a complaint before the Revenue officials to remove the encroachment made by the petitioner's husband. After conducting an enquiry, the fifth respondent by a memo dated 15.05.2019, stated that if the petitioner's husband is prepared to pay the necessary charges in terms of the Revenue Standing Order, the assignment of the patta will be granted in favour of the petitioner's husband in Survey No. 27/1 to an extent of 5 cents situated at Kundurasampalayam, Konganapuram Village, Edappadi Sub R.D, Edappadi Taluk, Salem District. However, till date, the order passed by the fifth respondent, dated 15.05.2019 was not implemented. Hence, the present petition has been filed.

4. The learned counsel for the petitioner submitted that though the fifth respondent had passed an order in favour of the petitioner's husband, the petitioner's husband passed away. In order to implement the order passed by the fifth respondent, the petitioner made an application dated 30.10.2021, before the fifth respondent to assign the land in favour of the petitioner as per his order dated 15.05.2019. Further, the petitioner is ready pay the necessary charges in terms of Revenue Standing Order in favour of the Government.



WEB COPY

5. Learned Government Advocate submitted that the petitioner's representation will be considered and appropriate orders will be passed on merits within the time frame to be fixed by this Court.

6. Heard, the learned counsel for the petitioner and the learned Government Advocate appearing on behalf of the respondent and perused the materials available on record.

7. Considering the submissions of the learned counsels, this Court without going into the merits of the case, directs the fifth respondent to consider the representation of the petitioner dated 30.10.2021 and in the light of the order dated 15.05.2019 and after affording an opportunity of hearing to the petitioner herein, pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy this order.

8. With the above directions, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar

True Copy//

Sub Assistant Registrar

mn/rli

To

1. The Chief Secretary,
Secretariat, St.George Fort,
Chennai - 600009.
2. The Commissioner of Revenue Department,
Secretariat, St.George Fort,
Chennai - 600009.
3. The District Collector,
The office of District Collectorate,
Salem District.
4. The Revenue Divisional Officer,
Office of Revenue Divisional Officer,
Sangakiri,
Salem District.



5. The Thasildar,
Office of Revenue Divisional Officer,
Edappadi Taluk, Salem District.

6. The Village Administrative Officer,
22, Konganapuram,
Edappadi Taluk,
Salem District.

W.P. No. 7186 of 2022

SKM[co]
NSK 12/04/2022