

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 22.04.2022

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.34758 of 2015

and

W.M.P.No.1 of 2015

Revathi

... Petitioner

Vs

1. The Director,
Directorate of Rural Development,
"Panangal Building", Saidapet,
Chennai-15.

2. The District Collector,
Namakkal District.

3. The District Registrar,
Trichy Main Road,
Namakkal.

4. The District Registrar,
Salem.

5. The District Registrar,
Salem.

6. C.Rajamanickam,

7. R. Muthusamy,

8. V.P.Pachiraja

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, or any other writ order or direction, in the nature of writ directing the respondents 1 to 5 to enforce the provisions of Panchayat Act in G.O.No.255 Rural Development (C2) Department dated 18.08.1997 and G.O.Ms.No.71 Rural Development (C2) Department dated 16.06.2003, with regard to lands existing in Sri Kandan

Nagar, Amman Kattur, Konganapuram, Thangaiyur Village, Salem District, V.P.Nagar esisting Moonusavadi, Namakkal District, V.P.Nagar, Existing in Semmampatti, Pudhuchatram, Goundempalayam, Pudhanasanthai, Kattur, Ambal Nagar, Kalyani and Elur at Namakkal District.

For Petitioner ... M/s. R. Nalliyappan

For Respondents ... Mr. M.Murali,
Government Advocate for RR1 to 5

... M/s. R. Marudhachalamurthy
for R6.

O R D E R

The present petition has been filed seeking a direction to the official respondents herein to enforce the provisions of Panchayat Act in G.O.No.255 Rural Development (C2) Department dated 18.08.1997 and G.O.Ms.71 rural Development (C2) Department dated 16.06.2003 with regard to the subject lands.

2. When the matter is taken up for hearing, learned counsel for the petitioner submitted that the petitioner has already filed change of vakalat. However, the matter being of the year 2015, this Court is inclined to decide the case on merits.

3. The present case is of the year 2015. however, till date, no counter has been filed on behalf of the respondents herein explaining as to whether the Government Orders on which the petitioner claims relief is application to the present case or not. Even today, when the matter is heard, there is no proper representation from the respondents with regard to the applicability of the said Government Orders. The silence of the respondents could only be considered as an affirmation of the case of the petitioner.

4. In the absence of any counter as stated above and this Court, having perused the Government Orders available in the typed set of documents filed by the petitioner, is inclined to grant relief as sought for in this Writ Petition. Accordingly, the respondents 1 to 5 herein are directed to implement the provisions of Panchayat Act in G.O(Ms).No.255, Rural Development (C2) Department dated 18.08.1997 and G.O.(Ms).No.71, Rural

Development(C2) Department dated 16.06.2003 with regard to the subject lands in letter and spirit.

5.Accordingly, this Writ Petition is disposed of with the aforesaid direction. No Costs. Consequently, the connected Miscellaneous Petition is closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

NHS
To

- 1.The Director,
Directorate of Rural Development,
"Panagal Building" Saidapet,
Chennai-15.
- 2.The District Collector,
Namakkal District.
- 3.The District Collector,
Salem District.
- 4.The District Registrar,
Trichy Main Road, Namakkal.
- 5.The District Registrar,
Salem.

+1cc to M/s.R.Marudhachalamurthy, Advocate Sr.28102
+1cc to the Government Pleader Sr.28400

W.P.No.34758 of 2015

ajs[col]
srg 31/05/2022