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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.NO.10270 OF 2022

A.Fatheema Bee

... Petitioner

.Vs.

1. The District Collector,
Office of District Collector,
Kallakurichi,
Kallakurichi District.
2. The District Revenue Officer,
Office of District Revenue Officer,
Kallakurichi,
Kallakurichi District.
3. The Revenue Divisional Officer,
Kallakurichi,
Kallakurichi District.
4. The Tahsildar,
Shankarapuram,
Kallakurichi.
5. The Revenue Inspector,
Alattur,
Kallakurichi.
6. The Village Administrative Officer,
Alattur, Alagapuram,
Shankarapuram (Taluk),
Kallakurichi.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st respondent to consider the petitioner representation dated 16.11.2021, 7.3.2022 for re-conveyance petitioner land comprised S.No.64, 65/1, 65/2, 65 situated at Alattur Village,



Kallakurichi District with in time frame as fixed by this Hon'ble Court as per Revenue Standing Order No.45(4).

For Petitioner : Mr.K.Myilsamy

For Respondents : Mr.P.Sathish
Additional Government Pleader

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ORDER

This writ petition has been filed seeking for an issuance of a writ of Mandamus to direct the 1st respondent to consider the petitioner's representations dated 16.11.2021 and 07.03.2022 to re-convey the petitioner's land comprised in S.Nos.64, 65/1, 65/2, 65 situated at Alattur Village, Kallakurichi District within the time frame as fixed by this Court as per Revenue Standing Order No.45(4).

2. The case of the petitioner is that the petitioner along with other legal heirs is the absolute owner of the above said properties situated at said Village by virtue of inheritance. Thereafter, the petitioner was declared as legal heir in O.S.No.10 of 2021 dated 23.04.2021 on the file of The II Additional District Munsif, Kallakurichi. Earlier, the petitioner's ancestors were unable to pay the land tax to the Government. In order to recover the arrears, the above said property was acquired by the Government and conducted public auction. None has taken the petitioner's property and the same was retained by the respondent as "Government Tharisu". Since the petitioner agreed to pay the arrears as determined by the respondents, she made representations before the respondents 1 and 2 dated 16.11.2021 and 07.03.2022, for re-conveyance of her subject land as per Revenue Standing Order No.45-4. Subsequent thereto, the respondents 1 and 2 have not considered the petitioner's representations. Whilesso, she has filed the present Writ Petition seeking the aforesaid relief.

3. Though very many grounds have been raised in this Writ Petition, learned counsel for the petitioner submits that as the petitioner sought for re-conveyance of the subject land and also undertakes to pay the arrears of land revenue as determined by the respondents, it would suffice if this Court issues direction to the 1st respondent to consider the petitioner's representation dated 23.09.2020 as per Revenue Standing Order No.45-4 and pass orders on merits within a particular time frame to be fixed by this Court.

4. The learned Additional Government Pleader appearing for respondents has no objection for said order being passed.



5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Taking into consideration the factual aspects of the matter, this Court without going into the merits of the case, directs the 1st respondent to consider the petitioner's representations dated 16.11.2021 and 07.03.2022 as per Revenue Standing Order No.45-4 and pass appropriate orders, on merits and in accordance with law after affording an opportunity of hearing to the petitioner as well as aggrieved persons if any, within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner and it is for the 1st respondent to decide the same at the time of disposing of the said representations purely on merits.

7. With the above observations and direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Office of District Collector,
Kallakurichi,
Kallakurichi District.
2. The District Revenue Officer,
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Kallakurichi,
Kallakurichi District.
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4. The Tahsildar,
Shankarapuram,
Kallakurichi.



5. The Revenue Inspector,
Alattur,
Kallakurichi.

6. The Village Administrative Officer,
Alattur, Alagapuram,
Shankarapuram (Taluk),
Kallakurichi.

+lcc to Mr.K.Myilsamy, Advocate, S.R.No.29032
+lcc to the Government Pleader, S.R.No.30427

W.P.NO.10270 OF 2022

GMR(CO)
PBS/19/05/2022