



W.P. No.17140 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.17140 of 2022

G. Chinnasamy

...Petitioner

vs.

The Tahsildar,
Pennagaram Taluk,
Dharmapuri District.

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to consider and pass order on the representation made by the petitioner on 16.06.2022 regarding to return the seized the soil things in S. No.432/4 quantity of 1.765 c.m. (Cube metre), quantity of 2-375 c.m., and 50000 bricks.

For petitioner : Mr.P.Ganesan
For respondent : Mr.S.J. Mohammed Sathik,
Government Advocate.

ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. Mr.S.J. Mohammed Sathik, learned Government Advocate accepts notice for the respondent.



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3. This writ petition has been filed for a Mandamus seeking for a direction to the respondents to consider the petitioner's representation dated 16.06.2022 requesting the respondent to return the seized articles, which was seized from the petitioner in Survey No.432/4, Panaikulam village, Pennagaram, Dharmapuri District and pass final orders on merits and in accordance with law, within a time frame to be fixed by this Court.

4. According to the petitioner, the above items were seized from him since according to the respondent, the petitioner has used the aforementioned land belonging to the HR & CE Department without their permission. The petitioner has given the aforementioned representation to the respondent requesting for return of seized articles. Since the representation has not been considered till date, he has filed this writ petition.

5. Heard Mr.P.Ganesan, learned counsel for the petitioner and Mr.S.J. Mohammed Sathik, learned Government Advocate appearing for the respondent.

6. The learned Government Advocate appearing for the respondent would submit that the competent authority who can issue directions for the release of the seized goods is the District Revenue Officer, Pennagaram and not the Tahsildar.



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7. The learned counsel for the petitioner submits on instructions that the petitioner is willing to give a fresh representation to the District Revenue Officer, as suggested by the learned Government Advocate.

8. After recording the rival submissions, this Court directs the petitioner to give a fresh representation to the District Revenue Officer, Pennagaram, requesting for return of the seized goods which was seized from the petitioner in Survey No.432/4, Panaikulam village, Pennagaram, Dharmapuri District and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner including granting him the right of personal hearing within a period of four weeks from the date of receipt of a copy of this order.

9. With the aforesaid direction, this writ petition stands disposed of. No costs.

07.07.2022

Index: Yes/No
Internet: Yes/No
Speaking Order/Non-Speaking Order
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ABDUL QUDDHOSE, J.

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To
The Tahsildar,
Pennagaram Taluk,
Dharmapuri District.

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