



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.11296 of 2014
and MP.No.1 of 2014

M/s.Jain Irrigation System Ltd.,
Jain Agro Industrial Park,
Elayamuthur Village,
Udumalpet Taluk,
Tiruppur District,
rep.by its Officer,
Mr.Shanthi Kumar Kataria

... Petitioner

Vs.

1. The District Collector,
Tirupur District, Tirupur.
2. The District Revenue Officer,
Tirupur District, Tirupur.
3. The Revenue Divisional Officer,
Udumalpet Taluk, Tirupur District.
4. The Tahsildar,
Udumalpet Taluk, Tirupur District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to consider the petitioners application dated 7.9.2013 and assign the land on payment of the cost in favour of the petitioner company in respect of survey No.371/1, 2 378/2, 419/1, 4 in Elayamuthur Village, Udumalpet Taluk, Tiruppur District.

For Petitioner : Ms.P.T.Rama Devi
For Respondents : Mr.G.Nanmaran
Special Government Pleader

O R D E R

The petitioner has filed this petition seeking issuance of writ of Mandamus, directing the 1st respondent to consider the petitioners application dated 7.9.2013 and assign the land on payment of the cost in favour of the petitioner company in respect of survey No.371/1, 2 378/2, 419/1, 4 in Elayamuthur



Village, Udumelpet Taluk, Tiruppur District.

2. The case of the petitioner is that the petitioner Company is engaged in manufacturing of drip irrigation components, fruit pulp, dehydration of vegetables and also doing research and development work on various horticulture and vegetables and fruit crops in various villages in Udumalpet Taluk, Tiruppur District. Earlier one Terra Agro Technologies Limited purchased vast extent of land in and around Elayamuthur and in the year 2006, the said Terra Agro Technologies Limited was amalgamated with the petitioner Company and subsequent to the amalgamation, the petitioner Company are in possession and enjoyment of the land and the said Limited Company was also in occupation of an extent of 10.17 acres of assessed dry waste lands and after amalgamation, the petitioner Company continued to be in possession and enjoyment of the above land in SF.Nos.371/1,2 to an extent of 3.92 acres, S.F.No.378/2, an extent of 2.14 acres and S.F.NO.419/1, 4 to an extent of 4.09 acres, totalling 10.18 acres in the said Village and it is in possession for more than 17 years. In those circumstances, the petitioner Company made representation to the 1st respondent on 07.09.2013, expressing their willingness to purchase the above lands on payment of cost and requested the 1st respondent to alienate the same in favour of the petitioner Company, however, the said application has not considered by the 1st respondent and it is kept pending with the respondents without any orders. Hence the petitioner is constrained to approach this Court by filing this petition.

3. The learned counsel appearing for the petitioner submitted that all competent authorities have recommended for assignment of the land in favour of the Company and the above extent of land in the petitioner Company occupation is assessed waste land and is not coming under the category of reserved lands and there is no prohibition for assigning the land in favour of the petitioner Company and further there is no impediment on the part of the 1st respondent for assigning the land in favour of the petitioner Company as there is no objection from any quarter in respect of the same.

4. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the respondents to consider the petitioner's application dated 07.09.2013 and pass orders on the same within a particular time frame fixed by this Court.

5. The learned Special Government Pleader appearing for the official respondents submitted that the above extent of land is owned to Government and those lands are occupied by the petitioner's Company without permission from the concerned Department and further the State / executive authorities have



wanted more lands to built-up infrastructures for the utility of public purposes under various schemes and the State has no idea to assign those lands either to the petitioner's Company or private individual and therefore, it is the intention of the petitioner's Company to grab the Government lands for illegal gain. However since the 1st respondent has not passed any order on the petitioner's application, the learned Special Government Pleader submitted that the petitioner's application will be considered as expeditiously as possible.

6. This Court has carefully considered the rival submissions and also perused the materials placed before it.

7. Considering the limited request sought for by the petitioner, this Court issues direction to the 1st respondent to consider the petitioners application dated 7.9.2013 on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this Court and

8. The Writ Petition is disposed of. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Tirupur District, Tirupur.
2. The District Revenue Officer,
Tirupur District, Tirupur.
3. The Revenue Divisional Officer,
Udumalpet Taluk, Tirupur District.
4. The Tahsildar,
Udumalpet Taluk, Tirupur District.

+1cc to Ms.P.T.Rama Devi, Advocate, S.R.No.7745
+1cc to the Government Pleader, S.R.No.8329

W.P.No.11296 of 2014

SSD(CO)
CT 11/03/2022