



W.P.No.20173 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2022

CORAM:

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.20173 of 2022

and

W.M.P.No.19400 of 2022

P.M.Venkataswamy

. . . Petitioner

Vs.

1. The Commissioner,
Commissionarate of Land Reforms,
Chepauk, Chennai-600 005.

2. The District Collector,
Krishnagiri District.

3. The Commissioner,
Hosur Municipal Corporation,
Bagalur road, Hosur,
Krishnagiri District.

. . . Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus or any other appropriate Writ or Order or Direction, in the nature of Writ, directing the respondents 1 to 3 to forthwith grant of Assignment of the land in S.No.936 situate at Rayakottai Road, Chenathur Village, Hosur Taluk to an extent of 0.19 cents as per the orders



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of the District Revenue Officer, Salem made in D.Dis.26846/65 dated 26.07.1965 and District Revenue Officer, Dharmapuri's proceedings made in Roc.No.19049/79 A6 dated 27.12.1979 without reference to G.O.Ms.No.1168, Revenue Department dated 25.07.1989.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.P.Sathish,

Additional Government Pleader

ORDER

The present petition has been filed seeking a direction to the respondents 1 to 3 to grant assignment in respect of the subject property of this Writ Petition as per the orders of the District Revenue Officer, Salem dated 26.07.1965 and the District Revenue Officer, Dharmapuri's proceedings dated 27.12.1979 without reference to G.O.Ms.No.1168, Revenue Department dated 25.07.1989.

2. It is the case of the petitioner that he is running a tile factory in the subject land situated in Survey No.937/1 since 1963 including an extent of 0.19 cents of the Government Poromboke land which is situated adjacent



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to the petitioner's patta land, has been used as the only pathway to the petitioner's land. In the year 1964, an eviction order invoking Section 6 of the land Encroachment Act, came to be passed, against which, appeal was preferred before the Revenue Officer. In the said appeal, the petitioner's right of enjoyment of said 0.19 cents of land was conferred. While being so, in the year 1979, the petitioner was issued with the another eviction notice by the Revenue Divisional Officer. Thereafter, the petitioner made an application seeking assignment of the lands to an extent of 0.19 cents, however, the same was rejected vide the proceedings dated 30.08.1982. Challenging the said proceedings, the petitioner filed a Writ Petition in W.P.No.8634 of 1982, in which, the proceedings dated 30.08.1982 was quashed. While being so, the 3rd respondent had trespassed into the petitioner's property. Aggrieved by the same, the petitioner sent a legal notice dated 16.04.2022 to the 1st respondent, however, till date, no steps have been taken on the same. Having left with no other remedy, the petitioner has come up with the present petition.



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3. Though very many grounds have been raised, learned counsel for the petitioner submits that, it would suffice, if this Court issues a direction to the 1st respondent to pass appropriate orders on the legal notice dated 16.04.2022 which was sent by the petitioner, within the time that may be stipulated by this Court.

4. Learned Additional Government Pleader appearing for the respondents has no objection to the said order being passed.

5. In view of the limited relief sought for by the petitioner, this Court without going into the merits of the case, directs the 1st respondent/Commissioner to consider the legal notice dated 16.04.2022 sent by the petitioner and pass appropriate orders on the same in accordance with law, after affording an opportunity of personal hearing to the aggrieved persons if any, within a period of twelve weeks from the date of receipt of a copy of this order.

6. Accordingly, this Writ Petition is disposed with the aforesaid



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direction. No Costs. Consequently, the connected Miscellaneous Petition is closed.

29.08.2022

NHS

Index : Yes / No

Internet : Yes / No

To

1. The District Collector,
Villupuram District,
Villupuram.
2. The Special Tahsildar,
AdiDravida Welfare,
Ulundurpet,
Villupuram.



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M.DHANDAPANI, J.

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