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W.P.No.22301 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.22301 of 2022

Palanisamy

... Petitioner

Vs.

1. The District Collector
O/o.The District Collector
Salem District,
Salem.
2. The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Mettur Dam 636 401,
Salem District.
3. The Tahsildar,
Mettur Taluk Office,
Mettur Dam 636 401
Salem District.

...

Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to issue the computer patta to the petitioner in respect of the property in S.No.455/2, to the extent of 0.59.0 hectares, which is situated at Kanamuchi Village and post Kolathur Mettur Taluk, Salem District based on the recommendation of the third respondent in proceedings No.Moo.Mu.2111-2019 (P2) dated 20.09.2019 within stipulated time.



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For Petitioner : Mr.M.Senthilkumar
For Respondents : Mr.Yogesh Kannadasan
Special Govt.Pleader

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the first respondent to issue computer patta to the petitioner in respect of the property in S.No.455/2, to the extent of 0.59.0 hectors, which is situated at Kanamuchi Village and post Kolathur Mettur Taluk, Salem District based on the recommendation of the third respondent in proceedings No.Moo.Mu.2111-2019 (P2) dated 20.09.2019

2. The case of the petitioner is that he is the absolute owner of the property in S.No.455/2, to the extent of 0.59.0 hectors and patta No.722, which is situated at Kanamuchi village and post, Kolathur, Mettur Taluk, Salem district. Originally the above said property which is entered as A register in UDR scheme. The 3rd respondent has passed an order to handover the above said property under the special scheme for handing over the land to the deserving poor and land less deprived farmers and their families in the year of 2009 which is under assignment No.Aa.M.624/08 dated 28.02.2009



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and imposed some conditions. After handing over the above said land the petitioner has fully complied the condition imposed under the above scheme and as such he is doing agriculture in the above said land without any hindrances for the past 13 years. The land was handed over to the petitioner under the above scheme and also the 1st respondent has passed an order in Na.Ka.5296-2008(k2) dated 27.09.2008 and also patta No.722 has been issued by the competent authority to the above extent of the property. But the above same was not registered in the computer, since he was unable to get the computer patta regarding the above said property, thereby he could not able to get any benefits from the Government. Hence on 13.06.2019 he has given a representation to the 3rd respondent, Deputy Regional Tahsildar and Revenue Inspector of Palamalai and the Deputy Regional Tahsildar and Revenue Inspector of Palamalai has given a report dated 19.08.2019 and 22.07.2019 respectively which is stated that for recommending to issue the computer patta to him and as such on 20.09.2019 the third respondent has passed an order in Moo.Mu.2111-2019(P2) dated 20.09.2019 to the second respondent which is stated that for recommending to issue the computer patta to the petitioner. After receiving the same the second respondent forwarded to the first respondent and the same was received by them, the first respondent did not pass any orders for issuing the computer patta to him. In the



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meanwhile so many times the petitioner met the authority for requesting to

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issue the computer patta to him, but the first respondent did not pass any orders, even after receiving the recommendation of the third respondent and other revenue officials. Finally on 25.07.2022 he sent a representation to the respondents for requesting to issue the computer patta and also requesting to implement the recommendations of the third respondent and other revenue officials. But the first respondent did not pass any orders till date. Since the same was not considered by the respondents, the petitioner has filed the present Writ Petition.

3. Though very many grounds have been raised in this Writ Petition, learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the third respondent to consider the petitioner's representation dated 25.07.2022 and to pass orders on the same within a particular time frame to be fixed by this Court.

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



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5. In view of the aforesaid submissions, this Court, without expressing any opinion on the merits of the case, directs the third respondent to consider the petitioner's representation dated 25.07.2022 and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner and other aggrieved person, if any, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs.

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Index : Yes / No
Speaking order : Yes / No
dpq



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