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W.P.No.31696 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2022

CORAM:

THE HONOURABLE MR. JUSTICE **M.DHANDAPANI**

W.P.No.31696 of 2022

and

W.M.P.No.31134 of 2022

Rose

... Petitioner

Vs.

1. The District Collector,
Ranipet District.

2. The Tahsildar,
Nemili Taluk,
Ranipet District.

3. The Panchayat President/Executive Officer,
Karivedu Panchayat,
Kaveripakkam Panchayat Union,
Nemili Taluk,
Ranipet District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, forbearing the respondents their men, subordinates, or any other person claiming through them from in any way interfering with the peaceful possession and enjoyment of the petitioner over the agriculture land property for an extent of Acre 4.83 cents, comprised in S.No.134, situated at Karivedu Village, Ranipet Taluk,



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Ranipet District, without following due process of law and consequently direct the respondents to consider the petitioner's representation 23.05.2022 submitted for issuance of Patta/assignment.

For Petitioner : Mr.V.Logeswaren
For R1 & R2 : Mr.U.Bharanidharan
Additional Government Pleader
For R3 : Mr.P.Vijaya Devi

ORDER

This Writ Petition has been filed seeking for a Writ of Mandamus to forbear the respondents their men, subordinates, or any other person claiming through them from in any way interfering with the peaceful possession and enjoyment of the petitioner over the agricultural land property for an extent of Acre 4.83 cents, comprised in S.No.134, situated at Karivedu Village, Ranipet Taluk, Ranipet District, without following due process of law and consequently direct the respondents to consider the petitioner's representation dated 23.05.2022 submitted for issuance of Patta/assignment.

2. The case of the petitioner is that, the petitioner's father is an Ex-serviceman and landless poor, who had served for nation and his family was in continuous possession of the aforesaid land for more than seven



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decades. During the life time of the petitioner's father, he made application before the first respondent/District Collector, for allotment of 3 acres of land in the aforesaid survey number. The village Panchayat also passed resolution for issuing "No objection" for the said proposal. Further, the Revenue Authorities conducted proper enquiry and the aforesaid property was demarcated by erecting stone for 3 acre and the same was assigned in favour of the petitioner's father for his livelihood. After the demise of petitioner's father, the petitioner came to know that the Government has decided to issue free house site Patta in the said village. However, the fourth respondent issued notice to the petitioner under Section 222 of Tamil Nadu Panchayat Act and Section 7 of Tamil Nadu Land Encroachment Act, 1905, stating that the petitioner along with her family members are in occupation of Government Poramboke land in S.No.134 of an extent of 0.53.03 ares. Pursuant to which, the petitioner appeared for enquired scheduled and made his legitimate objection, but the respondents ignored everything and forced the petitioner to vacate from the aforesaid property within a stipulated time which was prescribed by them. Therefore, the petitioner made a representation dated 23.05.2022 before the second respondent, seeking for issuance of Patta in her name in respect



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of the aforesaid property. Since the said representation was not considered by the respondents, the petitioner had filed the present Writ Petition.

3. The learned counsel for the petitioner submitted that, it would suffice, if this Court issues a direction to the second respondent to consider the petitioner's representation dated 23.05.2022 and pass orders on the same within a stipulated time that to be fixed by this Court.

4. The learned Additional Government Pleader appearing for the respondents 1 and 2 has no objection for the said order being passed.

5. In view of the aforesaid submission, this Court, without expressing any opinion on the merits of the case, directs the second respondent to consider the petitioner's representation dated 23.05.2022 in terms of R.S.O.No.15 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 twelve weeks from the date of receipt of a copy of this order.



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6. With the above observations and direction, this Writ Petition

is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

28.11.2022

Index: Yes/No

Speaking Order : Yes/ No

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To

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Ranipet District.
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M.DHANDAPANI, J.



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