



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.04.2022

CORAM:

THE HONOURABLE **MR. JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.7073 of 2022

Ramakrishnan

... Petitioner

/Vs./

1.The State represented by
The Principal Secreatary to Government,
Revenue Department,
Secretariat, Chennai-9.

2.The Commissioner of Land Administration,
Ezhilagam, Chepauk, Chennai.

3.The District Collector,
Ramanathapuram.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to consider the application given by the petitioner on 09.08.2021 in light of G.O.Ms.No.1300 (Revenue Dept) Dated 30.04.1971 within time stipulated by this Court.

For Petitioner

: Mr.RM.Arunswaminathan

For Respondents

: Mr.B.Saravanan

Additional Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to consider the representation given by the petitioner on 09.08.2021 in the light of G.O.Ms.No.1300, (Revenue Dept.), dated 30.04.1971, within a time frame to be fixed by this Court.

2.According to the petitioner, he is in possession and enjoyment of the properties comprised in S.Nos.15/2, 15/3 and 16/1 in Pullur Group, Thiruvadanai Taluk, Ramanathapuram District and having patta for his properties. He is doing agricultural activities in his adjacent lands in S.Nos.13, 14 and 15B in Pullur Group, Thiruvadanai Taluk, Ramanathapuram District.

3.The learned counsel appearing for the petitioner would submit that it will be useful if the aforementioned properties are also granted on lease to the petitioner by the Government. According to him, he is entitled to be granted lease in accordance with G.O.Ms.No.1300, (Revenue Dept.), dated 30.04.1971. He has given a representation on 09.08.2021 for the said purpose. Since the said representation has not been considered till date, the petitioner has filed this writ petition.



4. Heard Mr.RM.Arunswaminathan, learned Counsel for the writ petitioner and Mr.B.Saravanan, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

5. The learned Additional Government Pleader, appearing on behalf of the respondents, on instructions, would submit that the subject lands are classified as water bodies and therefore, the lease as sought for by the petitioner cannot be granted. However, the same is disputed by the learned counsel appearing for the petitioner.

6. No prejudice would be caused to the respondents, if the petitioner's representation is considered on merits and in accordance with law, after affording a fair hearing to the petitioner.

7. Accordingly, this Court directs the third respondent to consider the petitioner's representation dated 09.08.2021 seeking for grant of lease for the aforementioned property in light of G.O.Ms.No.1300, (Revenue Dept.), dated 30.04.1971 and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

8. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1. The Principal Secretary to Government,
Revenue Department, Secretariat, Chennai-9.

2. The Commissioner of Land Administration,
Ezhilagam, Chepauk, Chennai.

3. The District Collector, Ramanathapuram.

+1 CC to M/s.SPL.GP. (SR-19170[F] dated 18/04/2022)

W.P. [MD]No.7073 of 2022

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