



W.P.No.33502 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2023

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.33502 of 2023

M. Nirmaladevi

... Petitioner

Versus

1. The District Collector,
The Office of District Collector,
Collectorate, Erode District – 638 011.
2. The Revenue Divisional Officer,
The Office of Revenue Divisional Officer,
Erode Taluk, Erode District – 638 001.
3. The Tahsildar,
The Office of Tahsildhar,
Perundurai Taluk, Erode District – 638 052.
4. Nallasamy
5. Chidambaram
6. Saraswathi
7. Prakash
8. Sathish Kumar
9. Poonkudi
10. C. Valarmathi
11. C. Prabhu

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the second respondent to consider the representation of the petitioner's dated 04.04.2022 and pass final orders within a time frame fixed by this Hon'ble Court.



W.P.No.33502 of 2023

For Petitioners : Mr. M. Mahamani
for Ms. S. Varsha
For Respondents : Mr. P. Gurunathan, AGP (for R1 to R3)

ORDER

The petitioner has filed this Writ Petition for issuance of a simple writ of mandamus to direct the second respondent to consider the representation of the petitioner dated 04.04.2022 and pass orders within a stipulated time as may be fixed by this Court.

2. It is the case of the petitioner that the lands bearing S.No.219 (Re-Survey No.989) of an aggregate extent of 5.92.5 Hectares (14.64 Acres) in Perundurai Village, Erode were originally enfranchised Iruvaram Personal Inam lands. The said Inam was abolished after the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963 came into force. Therefore, the Settlement Tahsildhar-IV, Erode re-surveyed the land in R.S.No.989 and by order bearing S.R.No.11/70/Act30/63/Erode Taluk, dated 24.08.1970, the said land was allotted as per Section 11 r/w Section 8(1) of the Tamil Nadu Minor Inams Act, 1963 to seven persons including the petitioner. That being the position, the revenue officials included the name of respondents 4 to 11 herein in the Patta issued to the



W.P.No.33502 of 2023

R.S.No.989. Thus, for deleting the private respondents name in the Patta, the petitioner made a representation on 04.04.2022 to the first respondent herein. The same was forwarded to the second respondent. The second respondent conducted the enquiry after issuing notice to the parties, on 26.07.2022. Though the petitioner submitted all the relevant documents for the said survey number, at the time of enquiry and on several occasions, the second respondent did not consider the request of the petitioner. Hence, the present writ petition.

3. The learned counsel for the petitioner submitted that based on the representation of the petitioner, the respondents sent a notice and subsequently, conducted an enquiry on 26.07.2022 and thereafter, the private respondents were directed to appear before the second respondent's office. Accordingly, the private respondents also appeared and the enquiry was concluded on 28.04.2023. Even after conclusion of the enquiry, the second respondent, so far has not passed any final order. Therefore, the petitioner has come up with the present prayer.



W.P.No.33502 of 2023

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4. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 3.

5. Since no adverse order is to be passed against the private respondents 4 to 11, notice to them is hereby dispensed with.

6. Having regard to the submissions made by the learned counsel on either side and taking into consideration the limited prayer sought for by the petitioner, without expressing any opinion with regard to the merits of the case, this Court directs the second respondent to consider the petitioner's request and pass final orders, if all other formalities are already completed, within a period of one week from the date of receipt of a copy of this order. In case, the enquiry which was already conducted is not satisfactory, the second respondent is at liberty to issue notice to all the parties including the petitioner and the private respondents 4 to 11 herein and conduct a fresh enquiry in a manner known to law and pass appropriate orders, within a period of two months from the date of receipt of a copy of this order.



W.P.No.33502 of 2023

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costs.

7. With the above directions, the Writ Petition is disposed of . No

29.11.2023

Index : Yes/No

Speaking order : Yes/No

Neutral Case Citation : Yes/No

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To

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2. The Revenue Divisional Officer,
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W.P.No.33502 of 2023

P. VELMURUGAN, J.

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W.P.No.33502 of 2023

29.11.2023