



W.P(MD)No.22015 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.22015 of 2015

Karuppayee

... Petitioner

Vs.

1.The District Collector,
Theni District,
Theni.

2.The Special Tahsildar,
Land Acquisition (Aathi Dravidar Welfare)
Periakulam,
Theni District.

3.The Block Development Officer,
Theni Panchayat Union,
Theni.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 1st respondent to take necessary action on the basis of the petitioner's representation dated 24.10.2013.

For Petitioner : Mr.D.Anbarasu

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader for R1 & R2
: No appearance for R3



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ORDER

Heard the learned counsel on either side.

2. The learned counsel for the petitioner sought adjournment on the ground that he must get instructions from the writ petitioner.

3. The learned Additional Government Pleader submits on instructions that the writ petitioner is no more.

4. I went through the contents of the affidavit filed in support of the writ petition. It is seen that the petitioner's father was assigned the petition mentioned plot way back in the year 1976. The petitioner wants the authorities to earmark the said site and hand over the possession of the same. The case of the respondents is that in the year 1978, the assignment was cancelled. But there is no proof for the same. Be that as it may, as on date, the site on which the petitioner lost claim is in the possession of a third party. The third party had obtained natham patta on the basis of long possession. It is the clear stand of the respondents that for 20 years, the site identified by the petitioner is in the occupation of such third party. The petitioner's request is primarily hit by laches. If the petitioner's father failed to initiate proceedings during his life



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time and if an assignment order was issued, the assignee must approach the authority at the earliest for earmarking the assigned plot and handing over the same. This Court would indulgently look at the issue and grant relief even if there is delay provided the assigned plot is still available. In this case, the assigned plot is no longer available. That is why, I am not in a position to grant relief.

5. The Writ Petition is dismissed. No costs.

01.09.2023

Index : Yes / No

Internet : Yes/ No

rmi

To

1.The District Collector,
Theni District,
Theni.

2.The Special Tahsildar,
Land Acquisition (Aathi Dravidar Welfare)
Periakulam,
Theni District.



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G.R.SWAMINATHAN, J.

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