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W.P.No.29234 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2024

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THE HONOURABLE MR. JUSTICE S. SOUNTHAR

W.P No.29234 of 2024

Sri Govinda Gounder Memorial Educational Trust,
Rep. by its Managing Trustee M.G.Sekar,
Having Office at No.9-B,
Winding Driver Chinnasamy Street,
Dharmapuri District - 636 731.

...Petitioner

Vs.

1. The District Revenue Officer,
O/o. the District Revenue Officer,
Dharmapuri, Dharmapuri District.
2. The sub Collector,
O/o. the Sub Collector,
Dharmapuri District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent herein to consider and pass orders on the appeal dated 08.09.2023 submitted by the petitioner Trust before the District Revenue Officer, Dharmapuri District, the first respondent herein in respect of the petitioner's lands in Survey Nos.696/1B, 696/2, 688, 697/3, 697/4, 697/5, 695, 704/1, 719, 720, 708/2, 713/1, 711/2 of Adhagapadi Village, Dharmapuri District.



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For Petitioner : Mr.V.R.Appaswamee
For Respondents : Mr.P.Sathish
Additional Government Pleader

ORDER

The petitioner herein seeks a direction to the first respondent to dispose of the appeal filed by him on 08.09.2023, challenging the order passed by the second respondent dated 07.10.2022 transferring the lands situated in Survey Nos.696/1B, 696/2, 688, 697/3, 697/4, 697/5, 695, 704/1, 719, 720, 708/2, 713/1, 711/2 of Adhagapadi Village, Dharmapuri District in favour of the Government by exercising power under section 37 (B) of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act.

2. It is the case of the petitioner that the above mentioned property was purchased by the petitioner trust under registered sale deeds. The petitioner submitted an application dated 29.06.2004 before the Assistant commissioner of Land Reforms, Erode under Section 37 (B) of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act seeking permission to hold and acquire lands for educational and hospital purposes and the same has been pending for long time without consideration. Later it came to the knowledge



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of the petitioner that the application filed by the petitioner was rejected without affording any opportunity. The petitioner therefore once again submitted an application on 08.08.2022 with all supporting documents. However, the second respondent without considering the same, passed an order rejecting the application submitted by the petitioner. The second respondent also declared that the subject property was transferred to Government by exercising power under Section 5 (3-C) of the Act . Aggrieved by the same, the petitioner filed an appeal dated 08.09.2023 and the same has not been considered till date. Therefore, the petitioner is before this Court.

3. Mr. P. Sathish, learned Additional Government Pleader, who takes notice for the respondents would submit that the appeal filed by the petitioner will be considered on its own merits and appropriate orders will be passed.

4. In view of the above submission made by the learned Special Government Pleader, without going into the merits of the claim made by the petitioner, this Court is inclined to issue a direction to the first respondent to consider the appeal filed by the petitioner on 08.09.2023 and pass final orders, after issuing notice to all interested parties, within a period of twelve weeks from the date of receipt of a copy of this order.



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5. With the above direction, this Writ Petition is disposed of.

No costs.

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Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order
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To

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O/o. the District Revenue Officer,
Dharmapuri, Dharmapuri District.
2. The sub Collector,
O/o. the Sub Collector,
Dharmapuri District.



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S. SOUNTHAR, J.

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