



WEB COPY



W.P.No.37168 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.No.37168 of 2024

Sithalingam

...Petitioner

Vs

1.The District Collector,
District Collector Office,
Erode District.

2.The District Revenue Officer,
District Revenue Office,
Erode District.

3.The Revenue Divisional Officer,
Gobichettipalayam,
Erode District.

4.The Tahsildar,
Taluk Office,
Anthiyur,
Erode District.

...Respondents

PRAYER :-Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Mandamus, directing the 3rd and 4th Respondents to proceed the further action based on the communication dated 27.09.2024 in O.Mu.23597/ 2024/U4 issued by the 2nd respondent with concerning petitioner's representation dated 09.09.2024 and



W.P.No.37168 of 2024

subsequently relax the conditions in our patta No. 1874 in Bargur Village Anthiyur TALuk Erode district in Old S.F. No. 527/29 , 528/7 extend about 1.52.00 hector and pass such further order.

For Petitioner : Mr.N.Chinnaraj

For Respondents : Mr.ASelvendran
Special Government Pleader
(For R1 to R4)

ORDER

The Writ Petition is filed for seeking direction to the 3rd and 4th Respondents to proceed the further action based on the communication dated 27.09.2024 in O.Mu.23597/ 2024/U4 issued by the 2nd respondent with concerning petitioner's representation dated 09.09.2024 and subsequently relax the conditions in petitioner's patta No.1874 in Bargur Village, Anthiyur Taluk, Erode district in Old S.F. No. 527/29, 528/7 extend about 1.52.00 hector.

2.It is the case of the petitioner that his grand mother Kenjiammal was allotted agricultural land measuring 1.52.00 hectare in Old Survey No.527/29, 528/7 in Bargur Village, Anthiyur Taluk, Erode District, by the Government under the land allotment scheme. The petitioner would submit that his grandmother had developed and converted the land into agricultural land and was maintaining the same very well. After his grand



W.P.No.37168 of 2024

mother's death, the property devolved on the petitioner, one Madhavi and Veerapathran. The assignment was conditional one stating that the land should not be sold, donated, mortgaged, leased or otherwise alienated over and above ten years from the date of issuance of patta. The petitioner's grand mother was allotted land in 1968 and she has not dealt with the same till her death. On her death, the property had devolved on the petitioner and other legal heirs and it is in their capacity as legal representatives that an application of grant of patta has been made. The petitioner and the other two co-owners sent a representation on 10.09.2024 and followed it up with other representation on 27.09.2024. These representations had not been acted upon. Therefore, the petitioner seeks a mandamus.

3. Heard the learned counsel on either sides and perused the records. The learned Special Government Pleader takes notice on behalf of the respondents.

4. Though the relief claimed by the petitioner was otherwise, however in the light of the above discussion and considering the request of the petitioner, the Writ Petition is allowed and a mandamus is issued to



W.P.No.37168 of 2024

respondents 2 and 3 to consider the petitioner's representation dated 27.09.2024, affording them a personal opportunity and thereafter pass orders granting or rejecting it. In case of rejection there shall be a speaking order. The said exercise shall be completed within a period of two months from the date of receipt of copy of this order.

5. Accordingly, the present Writ Petition is allowed. No costs.

12.12.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non Speaking Order
ep

To

1. The District Collector,



W.P.No.37168 of 2024

District Collector Office,
Erode District.

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- 2.The District Revenue Officer,
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- 3.The Revenue Divisional Officer,
Gobichettipalayam,
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- 4.The Tahsildar,
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P.T.ASHA, J,



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W.P.No.37168 of 2024

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W.P.No.37168 of 2024

12.12.2024