

In the High Court of Judicature at Madras

Dated: 18.08.2015

Coram:

The Honourable Mr. SANJAY KISHAN KAUL, Chief Justice
and
The Honourable Mr. Justice T.S.SIVAGNANAM

Writ Petition No. 11220 of 2015

A.M. Ramachandran

.. Petitioner

vs.

1. The Tahsildar
Salem, Salem District.
 2. The District Collector
Salem District, Salem.
 3. The Deputy Secretary
Revenue Department
Secretariat, Fort St. George
Chennai-600009.
 4. The Joint Commissioner (Land)/
The Land Administrative Commissioner
Chepauk, Chennai-600005.
 5. The State of Tamil Nadu
Rep. by its Secretary to Government
Revenue Department
Fort St. George, Chennai-9.
 6. The Chief Engineer (Buildings)
Public Works Department, Salem-7.
- .. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents herein to complete the enquiry, which was initiated on 11.9.2012 by the first respondent, on the basis of the representations made by the petitioner in the matter of illegal allotment of 1,50,715 sq.ft. of Eri/Odai Poromboke lands situated in Town Survey No.1/1, Ward A, Block 10, Hasthampatti Town, Salem Taluk and Salem District, which are water bodies i.e Eri and Odai Poromboke and to take necessary follow up action like cancelling the free pattas which are issued to 196 ineligible persons, vacating the area, restoring the lake lands as it was previously, removing all the encroachments in that water body, etc.

For Petitioner : Mr. K. Rajasekaran
For Respondents : Mr. S.T.S. Murthi, Govt. Pleader
assisted by Mr.V.Shanmughasundar,
Government Advocate.

O R D E R

(Made by The Hon'ble The Chief Justice)

The counter-affidavit filed by the respondents-administrators completely belies the allegation of the petitioner that water body was being encroached upon. It has been clearly stated that the land in question is classified as "Government poramboke - P.W.D. Collector Bungalow". If such lands are not required by the Government and if houseless are residing in such lands for the past 10 years and above, they can be eligible for getting house site patta. In view thereof, 196 houseless eligible persons were granted house site pattas and it is stated that the annual income ceiling would not apply in view of the Government Order in G.O.(2D)No.711, Revenue Department, dated 30.11.2007.

2. It is also averred in para 6 of the affidavit that enquiry is under process and if any ineligible person is found to have received patta, necessary action will be taken and the same will be cancelled.

3. Learned counsel for the petitioner contends that he may be kept involved with the enquiry.

4. We decline the request. The petitioner is not custodian of the records. The petitioner has exhibited no specific material other than making allegations, which have been found to be incorrect. The petitioner is a political person and thus, should not utilise the judicial proceedings to subserve his political interest.

5. We, accordingly, dismiss the writ petition. No costs.

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Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

Copies to;

1. The Tahsildar
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2. The District Collector
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+1 cc to the Government Pleader High Court, Madras
sr.43873

+1 cc to M/S.K.Rajasekaran Advocate sr.44135

W.P. No. 11220 of 2015

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aa28/08/2015

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