

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2015

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

The Hon'ble MR.JUSTICE M.M.SUNDRESH

W.P.No.20786 of 2012

1.P.Jagadeesan
2.C.Panneerselvam
3.R.Chellapandian Petitioners

-vs-

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Revenue Department,
Fort St. George, Chennai.
2. The District Collector,
Cuddalore District,
Collectorate, Manjakuppam,
Cuddalore.
3. The Revenue Divisional Officer,
Chidambaram, Cuddalore District.
4. The Tahsildar,
Taluk Office,
Chidambaram Taluk, Cuddalore District.

- 5.Durairaj
- 6.Chandrasekaran
- 7.Selvaraj
- 8.Ganesan
- 9.A.Natarajan
- 10.Prabakaran
- 11.Kupusamy
- 12.Vasudevan
- 13.Sivaraj
- 14.Thai.Ilangovan
- 15.S.Ilangovan
- 16.Murugavel

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17.Soundrapandian

18.Kandasamy

19.The Sub Registrar

Registration Department,
Bhuvanagiri Post, Chidambaram
Taluk, Cuddalore District.

20.Kathiravan

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Declaration to declare the grant of assignment patta by the then Tahsildar, Natham Settlement Scheme, Chidambaram dated 23.12.1993 in respect of the property of an extent of 5 acres and 12 cents in R.S.No.204/2, now sub-divided as R.S.No.204/3 to 19 of Adhivarahanathan Village, Bhuvanagiri Post, Chidambaram Taluk, Cuddalore District, falling within the Bhuvanagiri Sub Registration District and Chidambaram Registration District, in favour of respondents 5 to 18 as arbitrary, illegal and fraud and unsustainable in law and direct the respondents 1 to 4 to safeguard the said lands for the benefit of the public.

For Petitioners : Mr.AR.L.Sundaresan, S.C.
For M/s.AL.Gandhimathi

For Respondents : Mr.S.T.S.Moorthy,
Govt. Pleader, for RR1 to 4 & 19

: Mr.T.P.Manoharan for RR5 to 18

: No appearance for R-20

सत्यमेव जयते
O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioners have filed the Public Interest Litigation against grant of patta land in favour of respondents 5 to 18 measuring 5 acres and 12 cents comprised in R.S.No.204/2, now sub-divided as R.S.No.204/3 to 19 of Adhivarahanathan Village, Bhuvanagiri Post, Chidambaram Taluk, Cuddalore District. The petitioners are permanent residents of the village and are alleging that as per revenue records upto 2011, the property was classified as Government Poramboke and

pattas have been obtained fraudulently. After doing so, the private respondents have joined together and now intend to sell the land combined together as a layout of house sites.

2. In the counter-affidavit filed by the private respondents, it is alleged that the land in question is Grama Natham, i.e. Village Natham, which never vested with the Government or the Village Panchayat and the persons in occupation of such land cannot be treated as encroachers. The total land classified as Grama Natham, i.e. residential portion of the village, is 52.62 acres and ground rent has been levied and ground rent pattas in respect of 60% of the land have been issued.

3. The private respondents also state that it is in pursuance to a Scheme for Settlement of Natham sites and agricultural lands used for non-agricultural purposes, notified vide G.O.Ms.No.1971, Revenue (SSII) dated 14.10.1988 and published in Gazette No.43 dated 09.11.1988, that the private respondents have acquired rights. In the counter-affidavit, there are serious allegations against the petitioners of being encroachers on Government Poramboke land and petitioner no.1 was a Village Administrative Officer under the Scheme and is, thus, fully aware of the same, which has not been disclosed before this Court.

4. Learned Government Pleader concedes that there was no enquiry into these aspects during the pendency of the petition, but only recently on 16.02.2015 has a notice been issued to the private respondents in pursuance to the representation made by the petitioners on 23.07.2014.

5. In our view, the allegations and counter-allegations are serious. The enquiry, which is now being made, must be more comprehensive to look into all the aspects. These aspects, inter alia, include whether the private respondents were granted the rights under the Scheme and whether the remedy of an aggrieved party is under the Scheme itself. The linked question would be whether the particular allotments under the Scheme are valid or not, following due process. Simultaneously, it needs to be looked into as to whether the petitioners are occupants of Government Poramboke land and are required to be evicted from the same and whether any of them have encroached upon the land allotted to the private respondents, causing the present petition to be filed as a counter attack. The aspect of the first petitioner being an authority under the Scheme and his being fully aware would also be required to be gone into.

6. We, thus, direct that a comprehensive enquiry be carried out by the Sub-Collector under the direct supervision of the Collector and

orders be passed on the enquiry, after notice to all concerned and a report be submitted to us. The task be completed within three months as prayed for by the learned Government Pleader.

7. There are no further directions required in the present petition, which stands disposed of. No costs.

8. The interim order dated 01.08.2012 would continue during the pendency of the enquiry and the result of the enquiry or any proceedings further thereto would determine the final fate of the interim order. M.P.No.1 of 2012, accordingly, stands disposed of.

9. List for compliance on 18.06.2015.

Sd/-
Asst. Registrar

/true copy/

Sub Asst. Registrar

sra

To

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Revenue Department,
Fort St. George, Chennai.
2. The District Collector,
Cuddalore District,
Collectorate, Manjakuppam,
Cuddalore.
3. The Revenue Divisional Officer,
Chidambaram, Cuddalore District.
4. The Tahsildar,
Taluk Office,
Chidambaram Taluk, Cuddalore District.
5. The Sub Registrar
Registration Department,
Bhuvanagiri Post, Chidambaram
Taluk, Cuddalore District.

Copy To

1. The District Collector,
Cuddalore District.
2. The Sub Collector,
Cuddalore District.
3. The Section Officer,
Writ Section, High Court, Madras.

+lcc to Mrs.AL.Gandhi Mathi, Advocate, S.R.No.14920

+lcc to the Government Pleader, S.R.No.14658

W.P.No.20786 of 2012

KU(CO)
CA(23/03/2015)



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