

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2015

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MR.JUSTICE T.S.SIVAGNANAM

W.P.No.2874 of 2015

N.Subramaniam

.. Petitioner

-vs-

1.The Principal Secretary &
Commissioner of Land Administration,
Ezhilagam, Chepauk, Chennai-600 005.

2.The District Collector,
Cuddalore District, Cuddalore.

3.The District Revenue Officer,
Cuddalore.

4.The Sub Collector,
Chidambaram, Cuddalore District.

5.Tahsildar,
Chidambaram Taluk,
Cuddalore District.

6.The President,
C.Puthupettai Panchayat,
Chidambaram Taluk,
Cuddalore District.

7.M/s.II & FS Tamil Nadu Power
Company Limited, Rep. by its
Managing Director,
Aminjikarai, Chennai 600 029

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records of the 2nd respondent issued in V2/1983/2013 dt.27.11.2014, quash the same and consequently direct the respondents 2 to 5 to evict the encroachments made by the 7th respondent in Government poramboke in Survey No.7/2, Ariyakozhetti Village, Chidambaram Taluk, Cuddalore District and to protect the cremation ground of the residents of Indira Nagar, C.Puthupettai Village.

For Petitioner : Mr.R.Bharath Kumar

For Respondents : Mr.S.T.S.Moorthy,
Govt. Pleader for RR 1 to 5
: Mr.R.Krishnamoorthy, S.C.
For Mr.C.Manishankar for R-7
: Mr.S.V.Duraisolamalai for R-6

O R D E R

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

The petitioner has filed this Public Interest Litigation alleging that the cremation ground / Government land in C.Puthupettai Village and Ariyakoshti Village of Chidambaram Taluk has been encroached upon by the seventh respondent.

2.The factual situation qua the aforesaid has been sketched out in both the affidavits of the second respondent / Collector as well as the seventh respondent, M/s.II & FS Tamil Nadu Power Company Limited. The affidavit of the Collector affirms that as per the field inspection report, the usage of small portion of land in R.S.No.7/2 was being utilised by the seventh respondent, but the same was not a hindrance to the public in conducting rituals for the deceased. It appears that the proposal for exchange of land is already pending consideration before the Government authorities. The seventh respondent is also stated to have put moneys in trust for implementation of welfare schemes in the village.

3.It is the case of the seventh respondent that the petitioner demanded a separate amount for himself, which was declined and that is what has triggered off this petition, even though the money already stands transferred.

4.On perusal of the affidavits, there being no need to go into the details of the same, we find that there is no larger public interest involved in the present petition, as necessary measures have already been taken for making available the funds, as also to provide for exchange of land, causing no loss to the Government. The seventh respondent is taking up the power project and the land area was required for construction of pillars.

5.We had given time on the last date of hearing to the learned counsel for the petitioner to file rejoinder, if any, with supporting photographs. These also have not been filed.

6.We, thus, close the writ petition with an observation that the District Collector / second respondent may expeditiously look into the issue of exchange of land. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sra

To

- 1.The Principal Secretary &
Commissioner of Land Administration,
Ezhilagam, Chepauk, Chennai-600 005.
 - 2.The District Collector,
Cuddalore District, Cuddalore.
 - 3.The District Revenue Officer,
Cuddalore.
 - 4.The Sub Collector,
Chidambaram, Cuddalore District.
 - 5.Tahsildar,
Chidambaram Taluk,
Cuddalore District.
- + 1 cc to Mr.R. Bharath Kumar, Advocate Sr.32500
+ 1 cc to Mr.C. Manishankar, Advocate Sr.32441
+ 1 cc to Government Pleader SR.32994

W.P.No.2874 of 2015

VD(CO)
Eu 15.07.15

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