

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.04.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.19719 of 2014
and M.P.Nos.2 and 3 of 2014

K.Venkatesan

[Petitioner]

Vs

- 1 The District Collector
Tiruvallur District.
- 2 The Revenue Divisional Officer
Tiruvallur Revenue Division Tiruvallur.
- 3 The Additional Director
Panchayath Tiruvallur District.
- 4 The Tasildhar
Tiruvallur Taluk Tiruvallur.
- 5 The Scheme Block Development Officer
Kadambathur Union Panchayat
Kadambathur Tiruvallur District.
- 6 C.Sumathi

[Respondents]

Writ petition filed under Article 226 of the Constitution of India praying for a writ of Certiorari mandamus calling for the records relating to the impugned order passed by the First Respondent dated 16.08.2013 in R.C. No. 17424/12/N1 and quash the same and also direct the First Respondent to remove the illegal encroachment and obstructions in the Government Meichal Porampoke Land (Grassland) to the extent of 2.00 Acres out of 15.37 Acres in Survey No.233/1 in Ekattur Village Tiruvallur Taluk and District.

For Petitioner : Mr.B.Gandhi

For Respondents : Mr.R.Vijayakumar, AGP (R1to R5)

NA for R6

ORDER

Heard Mr.B.Gandhi, learned counsel for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader for R1 to R6 and with their consent, the main writ petition itself is taken up for final disposal.

2. The petitioner is an elected councilman of the V Ward of the Adikathur Village Panchayat and the challenge in this writ petition is to the order passed by the District Collector dated 16.08.2013.

3. The petitioner already approached this Court by way of a writ petition in W.P.No.22649 of 2012, wherein, he sought for a direction to the District Administration to remove the illegal encroachments and obstructions made in the Government Meichal Poramboke land measuring an extent of 2.00 acres out of 15.37 acres in Survey No.237/1 in Ekattur Village, Thiruvallur District. The said writ petition was disposed of by the Hon'ble First Bench by order dated 21.08.2012, without going into the merits of the contentions raised by the petitioner, by directing the petitioner to submit a fresh representation to the District Collector and the District Collector to consider the said representation and take action in accordance with law. Pursuant thereto, the petitioner submitted a representation on 10.09.2012. Thereafter, the District Collector called for a report from the Tahsildar, Thiruvallur to submit the same, on 16.10.2012. An enquiry was conducted on 12.11.2012. In the said enquiry, the petitioner appeared in person and the Village President was also heard. On behalf of the Tahsildar as well as the Village President, it was stated that there are 56 Narikurava families who were allowed to settle in the village and they have been permitted to reside there in order to rehabilitate them and all the basic amenities and infrastructures such as electricity, street lights, water connection, ration card and voters identification card have been issued to them and the children of the Narikurava families also study at the Athigathur Government Middle School and Primary School and the revenue officials also submitted a report that the villagers are residing peacefully and eviction is not warranted. The District Collector, on scrutiny of the written statements and considering the entire facts and also taking note of the grievance expressed by the petitioner as well as the views of the President of the Panchayat, thought it fit to pass the impugned order stating that there is no necessity to remove the encroachment and the 56 Narikurava families have been residing in the said area for over 3 years and all facilities have been provided. Therefore, the District Collector opined that there is no necessity to disturb their occupation to an extent of 2.00 acres.

4. The learned counsel for the petitioner submitted that if appropriate orders are not passed, the encroachment will increase and it will lead to encroachment of further extent of the Government land.

5. The petitioner need not have any apprehension in this regard since the District Collector has passed an order restricting the area in occupation only to 2.00 acres and the remaining extent of 13.36 acres to be maintained as Meikkal Poramboke land.

6. In the light of the above, no grounds have been made out to interfere with the impugned order. Accordingly, the writ petition fails and the same is dismissed. However, it is made clear that the respondents 1 to 4 shall ensure that there is no further encroachment of Meikkal Poramboke land and the remaining extent of 13.36 acres shall be retained as such without any encroachment. No costs. Connected miscellaneous petitions are closed.

rg

-s/d-

Assistant Registrar (LA)

True Copy

Sub-Assistant Registrar

To

- 1 The District Collector
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Kadambathur Union Panchayat
Kadambathur Tiruvallur District.

+ 1 cc to Govt.Pleader SR 20549

+ 1 cc to Mr.B.Gandhi, Advocate SR 20234

km(co)
prk23/4

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