

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.7430 of 2011 &
M.P.No.1 of 2011

K.Pottiammal

... Petitioner

v.

1.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

2.The Tahsildar,
Thiruvannamalai Taluk,
Thiruvannamalai.

3.Chellankuppam Panchayat,
Rep. By its President,
Chellankuppam Village & Post,
Thiruvannamalai Taluk & District.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus forbearing the respondents from interfering with the peaceful possession and enjoyment of the property measrung an extent of 3 acres situated in Survey No.39/D of Challankuppam Village, Thiruvannamalai Taluk and District.

For Petitioner : Mr.R.Govindaraj

For Respondents : Mr.R.Lakshminarayanan,
Addl. Govt. Pleader

ORDER

Heard Mr.R.Govindaraj, learned counsel for the petitioner and Mr.R.Lakshminarayanan, learned Additional Government Pleader for the respondents and with their consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has filed this writ petition seeking for issuance of a writ of mandamus to forbear the respondents from interfering with the peaceful possession and enjoyment of the property measrung an extent of 3 acres situated in Survey No.39/D of

Challankuppam Village, Thiruvannamalai Taluk and District.

3. Admittedly, the land in question is Government Poramboke land and has been classified as 'Mandaivelli Poramboke'. The petitioner is an encroacher of the Government land.

4. From the counter affidavit of the respondents, it could be seen that the petitioner is the wife of an Ex-Serviceman, viz., Kalliappan, who is no more. An extent of 3.63.0 Hectares of dry lands are registered as patta lands in the name of the petitioner as Patta No.358 of the Village. The petitioner had encroached an extent of 0.40.5 Hectares of Government Poramboke land at S.No.49/6 (Old S.No.34/9D) measuring 1.45.0 Hectares or 3.48 acres classified as 'Mandaiveli' (cattle stand). It is further submitted by the respondents that the 'Mandaiveli' (cattle stand) is one of the banned categories for encroachment as per G.O.186 & 75 Animal Husbandry & Fisheries Department, dated 11.12.2001 and 18.5.2007 respectively.

5. In the light of the facts that the petitioner is an encroacher of Government land and she being wealthy pattadar, there is absolutely no justification on the part of the petitioner to encroach the Government land. Further, the land in question is required by the Education Department for construction of High School Buildings. Therefore, the prayer sought for by the petitioner cannot be granted. Hence, the writ petition fails and the same is dismissed. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

To

1.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

2.The Tahsildar,
Thiruvannamalai Taluk,
Thiruvannamalai.

3.The President,
Chellankuppam Panchayat,
Chellankuppam Village & Post,
Thiruvannamalai Taluk & District.

+1 cc to Mr.R.Govindaraj, Advocate,SR.21282

+1 cc to Government Pleader,SR.21109

tej(co)
krd 23/4

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