

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE DR. JUSTICE P. DEVADASS

W.P. No.36707 of 2015 and M.P. Nos.1 & 2 of 2015

Ramachandran

Petitioner

Vs.

- 1 The State of Tamil Nadu
represented by the Secretary
Revenue Department
Fort St. George
Chennai 600 009
- 2 The District Collector
Villupuram District
Villupuram
- 3 The District Revenue Officer
Villupuram
- 4 The Revenue Divisional Officer
Kallakurichi
- 5 The Block Development Officer
Sankarapuram Panchayat Union
Sankarapuram
- 6 The Tahsildar
Sankarapuram
Villupuram District
- 7 The President
Thyagarajapuram Village Panchayat
Thyagarajapuram
Sankarapuram Taluk
Villupuram District
- 8 Pavadai
- 9 Meena
- 10 Kolanji
- 11 Rayar

12 Mani
13 Mariammal
14 Karuppayi
15 Pappathi
16 Palaniammal
17 Ganga
18 Poomalai
19 Jayalakshmi
20 Senniammal

Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus calling for the records of the second respondent in Na.Ka.A7/48395/2007 dated 11.02.2008 and the consequential assignment order of the sixth respondent in Na.Ka.Ve.Ma.No.35/1417 Fasli dated 18.02.2008, quash the same and direct the respondents 1 to 6 to restore the paattai in S.No.120 in Thyagarajapuram Village, Sankarapuram Taluk, Villupuram District to its original state by removing the constructions in it, as per the representation of the petitioner dated 10.07.2015.

For petitioner Mrs. Hema Sampath, Sr. Counsel
for M/s. R. Meenal

For RR 1-4 & 6 Mr.P.S. Sivashanmugasundaram
Special Government Pleader

For RR 5 & 7 Mr. R. Rajendran Narasimhan

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, accepts notice for respondents 1 to 4 and 6. Mr. R. Rajendra Narasimhan, learned counsel, accepts notice for respondents 5 and 7. Notice to the private respondents is dispensed with at this stage, inasmuch as no adverse order is passed against them, in this writ petition. Thus, with the consent of the learned counsel for the petitioner, learned Special Government Pleader appearing for respondents 1 to 4 and 6 and the learned counsel for respondents 5 and 7, this writ petition is taken up for final disposal, at the admission stage itself.

2 The petitioner has come up with this writ petition seeking quashment of the assignment order dated 11 February 2008

on the ground that the assignment granted to the private respondents way back in February 2008 creates encroachment and obstruction in the free movement of the public, residing in and around the area in question.

3 So far as grant of assignment is concerned, that was done way back in February 2008. The assignees were permitted to continue on the assignment for a period of more than seven years. If, according to the petitioner, the assignment granted to the private respondents is not in accordance with law, remedy of appeal is available and as such, we are not inclined to interfere with the assignment order, at this stage.

4 The learned Senior Counsel appearing for the petitioner submits that the assignees are expanding the area allotted to them, for which, a representation was made to the authorities. However, no heed was paid to that representation.

5 On a perusal of the representation annexed in the typed set of papers, it appears that the main grievance in the representation was cancellation of assignment, which could not have been done at the instance of the petitioner, when the assignment was granted way back in February 2008, presumably, in accordance with law. However, if a fresh representation is made to ensure that assignees are not expanding the area allotted to them and creating nuisance, the authorities are directed to examine the same and take necessary consequential action in accordance with law, to ensure that the assignees confine their occupancy only to the area assigned to them. Needless to state that the alleged encroachers shall be granted an opportunity of hearing before taking any coercive action, if need be.

The writ petition stands disposed of with the above direction and observation. Costs made easy. Connected Miscellaneous Petitions are closed.

Sd/
ASSISTANT REGISTRAR (CS-VII)

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SUB-ASSISTANT REGISTRAR

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To

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Thyagarajapuram
Sankarapuram Taluk
Villupuram District

+1 CC to MR.R. Meenal Advocate. SR.NO. 62878
+1 CC to Govt.Pleader. SR.NO. 62901

W.P. No.36707 of 2015

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CO-BVR
JD 07/12/2015