

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.36710 of 2015

and

M.P.No.1 of 2010

A.Vetriselvan

...Petitioner

Vs.

1. The Commissioner for Land Administration,
Land Administration Department,
Ezhilagam,
Chepauk,
Chennai-600 005.

2. The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

3. The Tahsildar,
Thiruvannamalai Taluk,
Thiruvannamalai District.

..Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the first respondent to exchange patta land under Section 26A of the Revenue Standing Order in respect of 0.02 cents comprised in S.No.55/2A2 which is used as Pathway for more than 100 years in Esukkazhikatteri village to be gifted by the petitioner as per the petitioner's representation dated 7.9.2015 seeking exchange of land.

For Petitioner .. Mr.R.KArunagaran

For Respondents .. Mr.P.S.Sivashanmugasundaram, Spl.G.P

ORDER

(Order of the Court was made by SATISH K.AGNIHOTRI, J.)

A writ petition, being W.P.No.28294 of 2013 was filed, impleading the instant writ petitioner as a party respondent, whereunder a direction was sought against the official respondents to consider the representation made by the petitioners therein for removal of illegal encroachment by way of house construction made by the instant petitioner in S.No.51/2 in Isukkazhikatteri village, Thandarai via, Thiruvannamalai Taluk.

2. A Division Bench of this court by order dated 11th November, 2013 directed the Block Development Officer, Panchayat union, Tiruvannamalai to take appropriate follow up action in pursuance to the directions of first and second respondents therein, within a period of eight weeks. Thereafter, the instant petitioner preferred a writ petition, being W.P.No.1197 of 2014, seeking direction to the District Collector and the Tahsildar for issuance of patta on the basis of the representation made by him in respect of the land in question, wherein the alleged encroachment was made by him. The writ petition was disposed of on 10th January, 2014 granting two weeks time to the instant petitioner to file his reply to the show cause notice dated 16th December, 2013. Further, a direction was given to the official respondents to take consequential action within a period of two weeks from the date of receipt of the reply.

3. One more writ petition, being W.P.No.2622 of 2015 was filed by the petitioner in respect of the same survey number for exchange of the patta land and to drop the proceedings for removal of encroachment under Section 6 of the Encroachment Act. A Division Bench of this court by order dated 6th August, 2015 passed the following order:

"12. The entire case of the petitioner rests on the ground that others were given patta. We direct the District Collector, Tiruvannamalai, to evict all those who are in possession of Vodai Poromboke / water body / road portion/ in case such encroachments have come up after the expiry of the time prescribed in G.O.Rt.No.854 Revenue Department dated 30 December 2006.

13. We do not find any ground to issue a Mandamus as prayed for by the petitioner. We grant three week's time to the petitioner, from the date of receipt of a copy of this Order, to vacate and handover vacant possession of the land in question to the second respondent."

4. The petitioner does not rest content with the decisions rendered by the High Court. Again, he has filed the instant petition seeking a direction to the Commissioner for Land Administration for exchange of patta land under Section 26A of the Revenue Standing Order in respect of 0.02 cents comprised in S.No.55/2A2.

5. This very issue came into consideration in the earlier round of litigation in W.P.No.2622 of 2015, wherein the first respondent herein, i.e., the Commissioner for Land Administration was not impleaded as party respondent, but the relief sought for was one and the same, which was disposed of, on considering the submissions of concerned parties. The instant petition is an attempt to reopen the entire matter, which stands concluded by order dated 6th August, 2015 by change of name of the respondent. Thus, the writ petition is not maintainable and is, accordingly, dismissed for being lack of merit. No costs. Consequently, connected miscellaneous petition is closed.
Vvk

Sd/-
Assistant Registrar (VII)

/True Copy/

Sub-Assistant Registrar

To

1. The Commissioner for Land Administration,
Land Administration Department,
Ezhilagam,
Chepauk,
Chennai-600 005.
2. The District Collector,
Thiruvannamalai District,
Thiruvannamalai.
3. The Tahsildar,
Thiruvannamalai Taluk,
Thiruvannamalai District.

+1 C.C. To The Government Pleader in SR.NO.62900
+1cc to M/S.R.Karunakaran, Advocate sr.63343[15/12/2015]

W.P.No.36710 of 2015

SK(CO)
Sd : 10/12/2015



सत्यमेव जयते

WEB COPY