

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2015

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

WP.Nos.9627 & 9628/2015 & MP.Nos.1&1/2015

1.A.Anand ...Petitioner in W.P.No.9627/2015
2.Murugan ...Petitioner in W.P.No.9628/2015

Versus

1.The District Collector
Erode District.

2.The Tahsildar
Anthiyur, Erode District.

3.The Project Officer
District Rural Development Authority
Bargur Cow Breed Research Scheme
Collectorate, Erode District.

... Respondents in
both the writ petitions

Writ petitions filed under Article 226 of the Constitution of India praying for a writ of mandamus forbearing the respondents, their subordinate, men and agents from either trespassing or doing any work in the petitioner's private lands in RS.Nos.2411/3 and 2414/7 in Bargur Village, Bhavani Taluk, Erode District to the extent of 1.58 acres and 0.652 acres by considering the petitioner's representations dated 27.03.2015 and 22.03.2015 respectively.

For Petitioner in
both the writ petitions : Mr.I.C.Vasudevan
For Respondents in
both the writ petitions : Mr.S.Gunasekaran, GA

COMMON ORDER

Heard Mr.I.C.Vasudevan, learned counsel appearing for the petitioner and Mr.S.Gunasekaran, learned Government Advocate accepting notice for the respondents and with their consent, the writ petition itself is disposed of at the admission stage itself.

2.Since the issue involved and the parties to the writ petitions are one and the same, the above writ petitions are disposed of by the following common order.

3.The petitioner has filed these writ petitions seeking for an issuance of a writ of mandamus to forbear the respondents or their men, agent or subordinates from trespassing into the petitioner's private lands in question situated at RS.Nos.2411/3 and 2414/7 in Bargur Village, Bhavani Taluk, Erode District to the extent of 1.58 acres and 0.652 acres respectively by considering the petitioner's representations dated 27.03.2015 and 22.03.2015.

4.The case of the petitioner is that he is the absolute owner of the properties in question comprised in RS.Nos.2411/3 and 2414/7 in Bargur Village, Bhavani Taluk, Erode District to the extent of 1.58 acres and 0.652 acres respectively, by way of registered Sale Deeds dated 01.06.2001 and 22.06.2009 registered as Document Nos.1049/2001 and 1850/2009 on the file of the Sub Registrar, Anthiyur. The petitioner has been doing agricultural activities in the said lands and he is continuous possession and enjoyment of the properties in question. While so, the 3rd respondent and his subordinates, on 27.03.2015, trespassed into the petitioner's land and attempted to level the same for the formation of Bargur Cow Growing Scheme. It is the case of the petitioner that the lands are purely private lands and pattas and other revenue records in respect of the said lands stand in the name of the petitioner. The representations made by the petitioner to the 3rd respondent in this regard on 27.03.2015 and 22.03.2015 did not evoke any response. Hence, having no other alternative and efficacious remedy, the petitioner is before this Court by way of filing the present writ petitions with the aforesaid prayer.

5.In view of the above, without going into the merits of the petitioner's contentions, there will be a direction to the 3rd respondent to consider the petitioner's representations dated 27.03.2015 and 22.03.2015 and pass orders on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner and after perusing the documents to be produced by the petitioner to substantiate his claim, within a period of one month from the date of receipt of a copy of this order.

6.The writ petitions are disposed of with the above direction. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

1.The District Collector
Erode District.

2.The Tahsildar
Anthiyur, Erode District.

3.The Project Officer
District Rural Development Authority
Bargur Cow Breed Research Scheme
Collectorate, Erode District.

2 cc to Mr. I.C.Vasudevan, Advocate, SR.No.18826 and 18827

WP.Nos.9627& 9628/2015

scd(co)
pmk.16.4.2015



WEB COPY