

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
and
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Writ Petition No.16629 of 2016
and WMP.Nos.14368 and 14369 of 2016

Papaiah

...Petitioner

Vs.

1 The District Collector
Krishnagiri District

2 The Block Development Officer
Soolagiri
Krishnagiri District

Respondents.

...

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records in Na.Ka. No.1111/2015/E2 dated 21.3.2016 on the file of the second respondent and quash the same as illegal and direct the respondents to consider the representation dated 2.4.2016 of the petitioner in accordance with law within the time frame fixed by this Honourable Court.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mrs.A.Sreejeyanthi, Spl.GP

सत्यमेव जयते
O R D E R

(Order of the Court was made by HULUVADI G. RAMESH, J.)

This Writ Petition is filed seeking to quash the order of the second respondent dated 21.03.2016 and to direct the respondents to consider the representation of the petitioner dated 02.04.2016.

2. The case of the petitioner is that the Special Tahsildar granted patta in respect of the land bearing Survey No.327/11, Gramanatham and he is in possession of the same along with his property in Survey No.327/12, Soolagiri Panchayat Union, Hosur Taluk, Krishnagiri District.

3. The further case of the petitioner is that the second respondent-Block Development Officer, Soolagiri, Krishnagiri District, has issued the impugned notice dated 21.03.2016 on him, stating that he has encroached the land belonging to Village Panchayat and the said encroachments have to be removed within 3 days of the receipt of the said notice. According to the petitioner, he is having sufficient patta in respect of Survey No.327/11 and he is not an encroacher.

4. The learned counsel appearing for the petitioner submits that the petitioner has submitted a representation dated 02.04.2016 to the respondents and prayed this court for a direction to the respondents 1 and 2 to consider and dispose of the same within a time frame.

5. In view of the relief sought for in this writ petition, notice to respondents 1 and 2 is dispensed with. However, Mrs.A.Sreejayanthi, learned Special Government Pleader, who accepts notice on behalf of respondents 1 and 2 submits that the second respondent may be directed to consider the representation of the petitioner dated 02.04.2016.

6. We have considered the averments made in the Writ Petition and also heard both sides. If the petitioner has got any semblance of record to show that he is in possession of the land in Survey No.327/11, Gramanatham, Soolagiri Panchayat, on the basis of issuance of patta in his name or in his father's name, it is for the petitioner to produce the same before the respondents 1 and 2 and prove that he is not an encroacher of the Village Panchayat land. Accordingly, we direct the petitioner to appear before the 2nd respondent and produce a copy of this order along with necessary records to substantiate his possession, within 15 days from the date of receipt of a copy of this order. On such production, the 2nd respondent, shall hold a detailed enquiry in this regard and if he finds that the petitioner is going beyond his right available as per the patta issued by the Special Tahsildar in respect of the Grama natham land, it is open to the authority to evict the encroachment made by the petitioner, after following the due process of law, within two months thereafter.

The Writ Petition is disposed of with the above direction.
No costs. Consequently, connected WMPs are closed.

nvsri

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1 The District Collector
Krishnagiri District

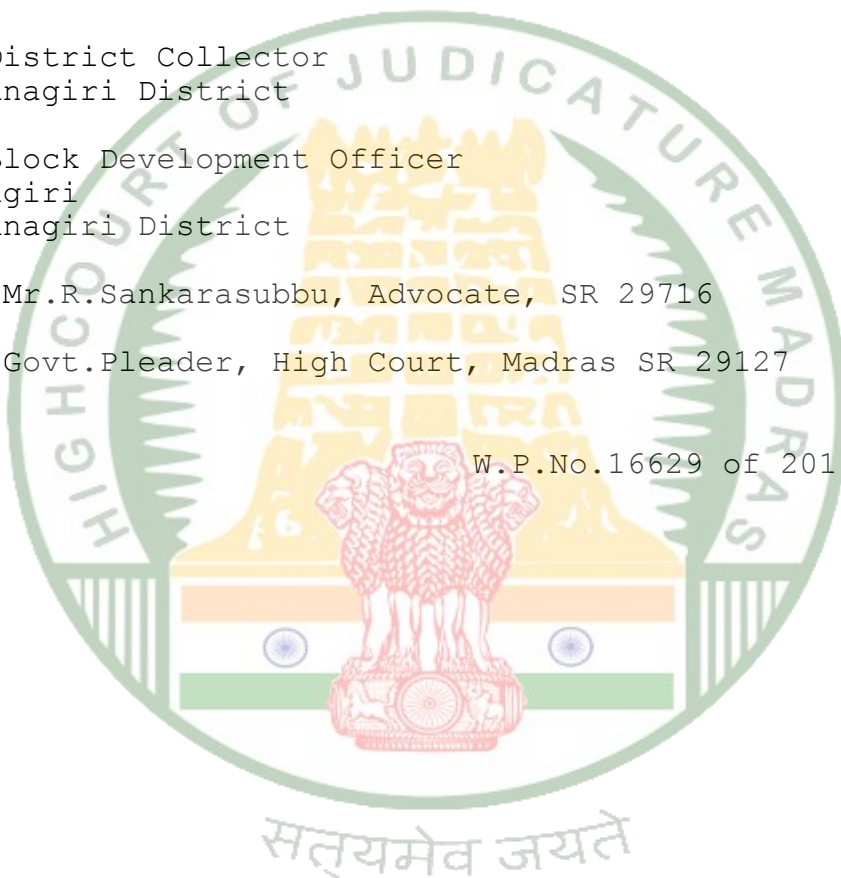
2 The Block Development Officer
Soolagiri
Krishnagiri District

+ 1 cc to Mr.R.Sankarasubbu, Advocate, SR 29716

+ 1 cc to Govt.Pleader, High Court, Madras SR 29127

gj(II)(co)
prk15/6

W.P.No.16629 of 2016



WEB COPY