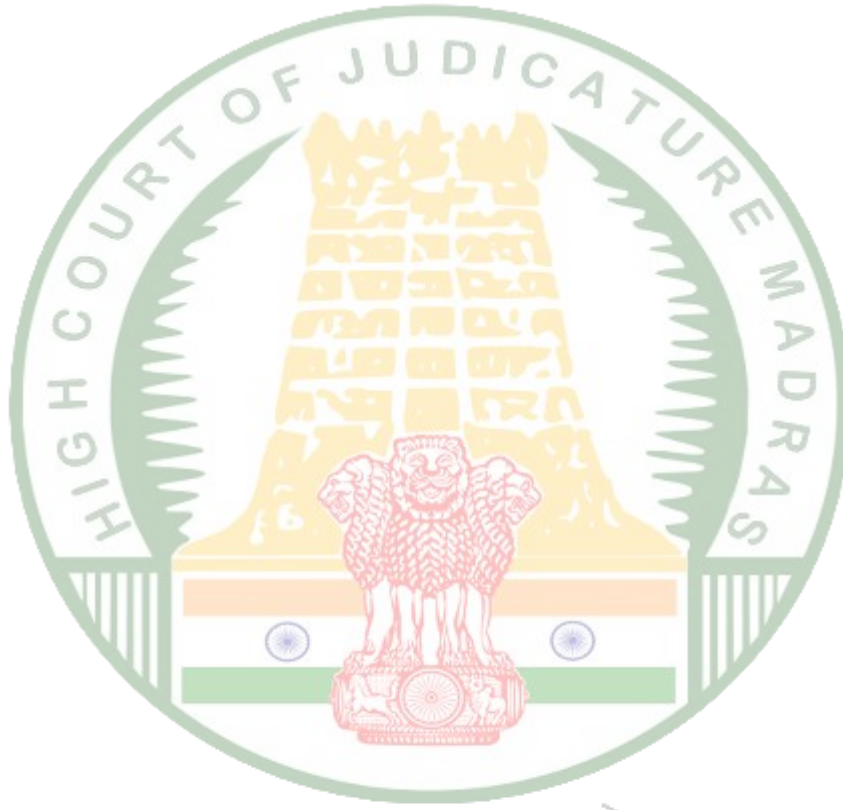




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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:1.7.2016

CORAM

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

W.P.No.20066 of 2016
and
W.M.P.No.17295 of 2016

J.Umadevi

..Petitioner

-Versus-

1 The District Collector
Dharmapuri District Dharmapuri.

2 The Tahsildar
Harur Taluk Harur,
Dharmapuri District.

..Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents herein to restore the possession of the petitioner's land in S.No.9/14 mentioned as S.No.9/15 in Notice dated 5.9.2015 issued by the 2nd respondent under section 6 of the Tamil Nadu Land Encroachment Act, 1905 situated at Rasalampatti Village, Harur Taluk, Dharmapuri District measuring 0.17.0 Hectares (Surrounded East by - Chinthalapadi Road, West by - Government Buildings, North by - Ravikumar's house, South by - Vacant sites) and award suitable compensation to the petitioner for the loss caused due to illegal demolition of her buildings by the 2nd respondent herein.

For petitioner : Mr.R.Dhanasekar

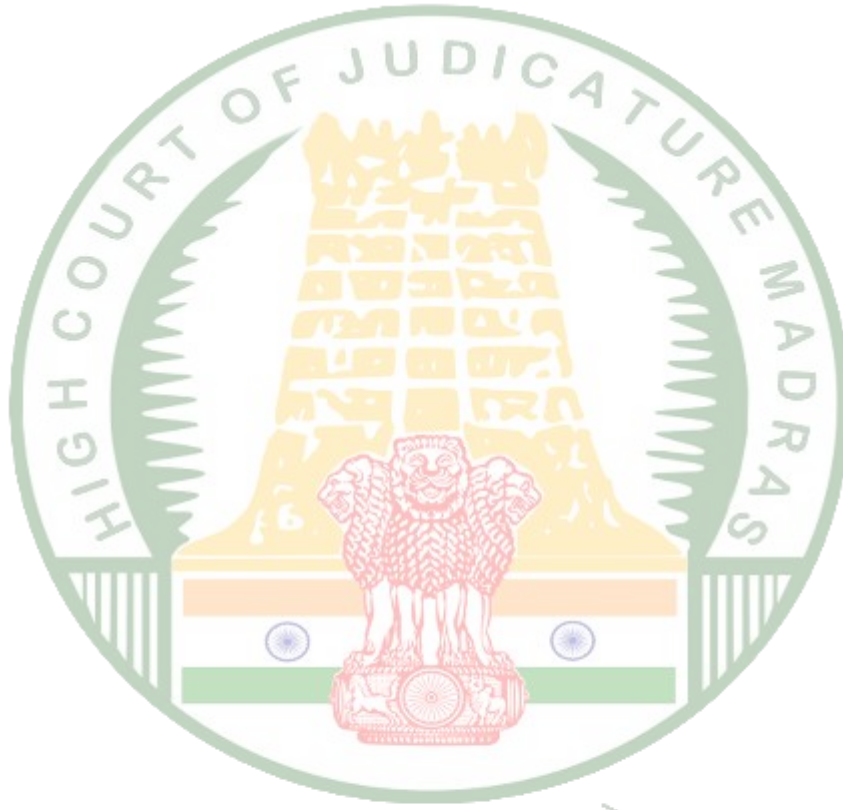
For Respondents : Mr.P.S.Sivashanmugasundaram,
Special Govt. Pleader

ORDER

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

Heard the learned counsel appearing for the parties.

2. The writ petition has been filed seeking issuance of a writ of mandamus directing the respondents herein to restore the possession of the petitioner's land in S.No.9/14 mentioned as S.No.9/15 in Notice dated 5.9.2015 issued by the 2nd respondent under section 6 of the Tamil Nadu Land Encroachment Act, 1905



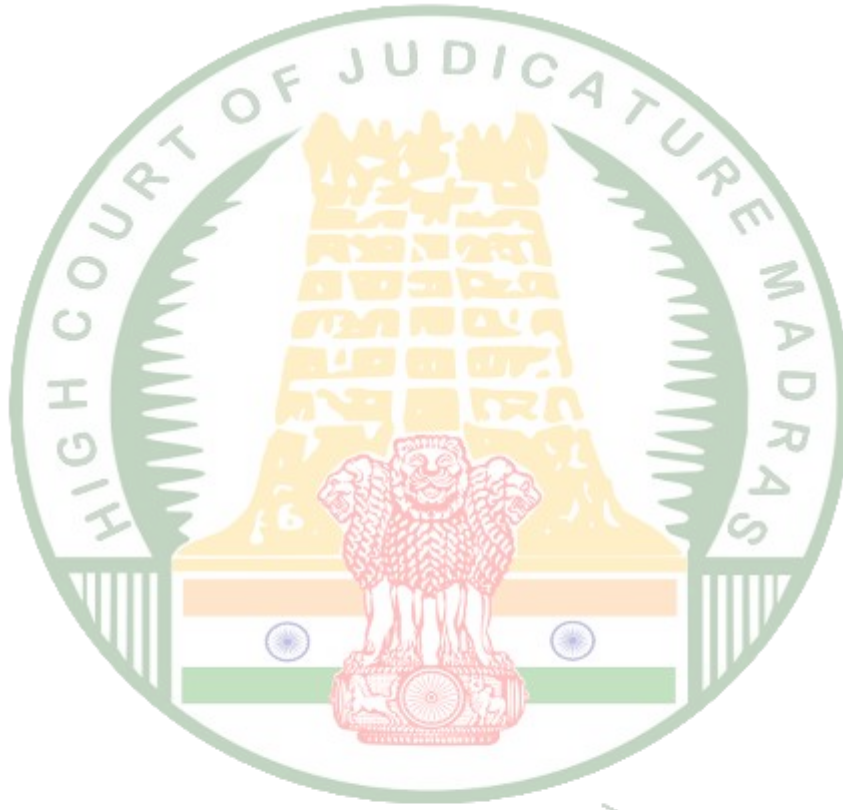
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situated at Rasalampatti Village, Harur Taluk, Dharmapuri District measuring 0.17.0 Hectares (Surrounded East by - Chinthalapadi Road, West by - Government Buildings, North by - Ravikumar's house, South by - Vacant sites) and award suitable compensation to the petitioner for the loss caused due to illegal demolition of her buildings by the 2nd respondent herein.

3. The case of the petitioner is that she had purchased a thatched house built on the land in Survey No.9/14 (Old Survey No.9/1) in Rasalampatti Village, Harur Taluk, Dharmapuri District measuring to an extent of 0.17.0 Hectares from one Sarfoom and her son and daughters by sale deed dated 20.1.2000. The said land was classified in the village records of the Revenue Department as "Chathiram Poramboke and ever since the date of purchase of the land, she has been in absolute possession and enjoyment of the same and she had also constructed a two storied building containing 4 shops after demolishing the thatched house. It is her further case that she had been paying property tax and electricity consumption charges. Whiles, having failed in her attempts to get the patta transferred in her name, she had filed W.P.No.11210 of 2006 and got a direction from this court for disposal of her representation. Whiles, the Block Development Officer, Morappur issued a notice of eviction dated 24.6.2014 under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, followed by another notice dated 8.7.2014 wherein, survey number was wrongly denoted. The petitioner had filed W.P.No.19261 of 2014 to quash the notice dated 8.7.2014 which was disposed of finding that the Block Development Officer has no authority to issue the notice and granting liberty to the Tahsildar, the second respondent to proceed in accordance with law after issuing notice. Thereupon, the second respondent issued a fresh notice dated 5.9.2015 under section 5 of the Tamil Nadu Land Encroachment Act, 1905 which also contained some discrepancy with regard to survey numbers. Therefore, the petitioner sent reply on 11.9.2015 pointing out the discrepancies and a representation to the second respondent on 30.9.2015 for which, the second respondent replied vide Na.Ka.No.6428/015/A1 dated 15.10.2015, once again with some discrepancies in the survey numbers. Against which, the petitioner had preferred an appeal before the first respondent and the same is pending. Whiles, it seems that the second respondent had demolished the construction put up by the petitioner and hence, the present writ petition has been filed.

4. Admittedly, the appeal filed by the petitioner is pending with the first respondent. The District Collector, Dharmapuri, the first respondent herein, is directed to conduct enquiry and pass orders on the appeal filed by the petitioner within one month from the date of receipt of copy of this order. However, the District Collector is also at liberty to look into the encroachment and pass necessary orders. Till some finding is recorded by The District Collector, Dharmapuri, the first



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respondent herein status quo shall be maintained. The writ petition is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

ssk.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To:

1 The District Collector
Dharmapuri District Dharmapuri.

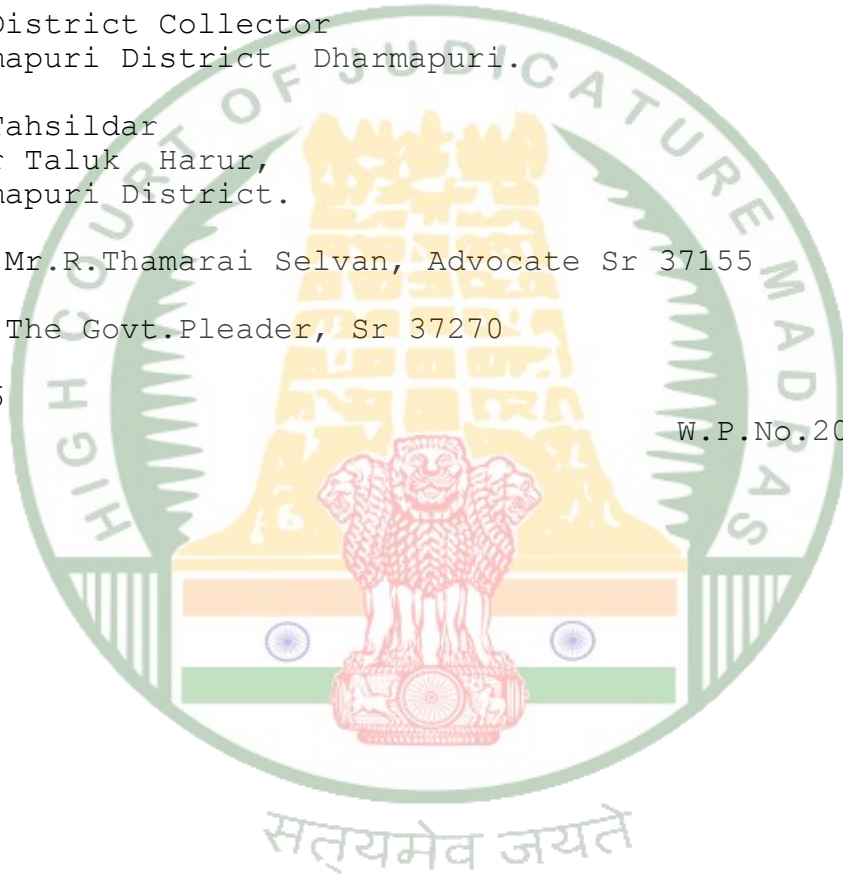
2 The Tahsildar
Harur Taluk Harur,
Dharmapuri District.

+ 1 cc to Mr.R.Thamarai Selvan, Advocate Sr 37155

+ 1 cc to The Govt.Pleader, Sr 37270

KR/28/7/16

W.P.No.20066 of 2016



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