

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2016

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.P. No.36727 of 2015
and
M.P.No.1 of 2015

- 1.Sarodja
- 2.Vidjeya Coumar
- 3.Poobalan
- 4.Arandam Murthy

Petitioners

vs.

- 1.The District Collector,
Puducherry.
- 2.The Tahsildar,
Madhavaram Taluk Office.
- 3.The Villianur Commune
Panchayat rep. by its
Commissioner, Villianur,
Puducherry.
- 4.The Junior Engineer,
The Villianur Commune Panchayat,
Villianur, Puducherry.

Respondents

सत्यमेव जयते

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus forbearing the respondents from forcibly entering the unassessed waste land bearing R.S.No.21/1, Sedarapet Village, Villianur Taluk in the U.T. of Puducherry, measuring 0.42.50 HAC, removing the iron wire fence put up by them around it, dispossessing them from it and preventing the only access available to them through the same to enter their adjacent absolute private agricultural land bearing S.No.63/1 in Agasampattu Village, Vanur Taluk, Villupuram District in the State of Tamil Nadu, measuring 13 acres and cultivate the same in any manner without following the due process of law i.e. the procedures provided in the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 and till

the disposal of their petitions dated 19.12.2005 and 16.10.215 by the first respondent under the Pondicherry Land Grant Rules, 1975.

For Petitioners .. Mr.T.P.Manoharan

For Respondents .. Mr.M.Govindarajan,
Spl. Govt. Pleader (Pondy)

ORDER

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

With the consent of the learned counsel appearing for the parties, the writ petition is taken up for final disposal.

2.The instant writ petition is filed to forbear the respondents from forcibly entering the unassessed waste land bearing R.S.No.21/1, Sedarapet Village, Villianur Taluk in the Union Territory of Puducherry, measuring 0.42.50 HAC, removing the iron wire fence put up by them around it, dispossessing them from it and preventing the only access available to them through the same to enter their adjacent absolute private agricultural land bearing S.No.63/1 in Agasampattu Village, Vanur Taluk, Villupuram District in the State of Tamil Nadu, measuring 13 acres and cultivate the same in any manner without following the due process of law and till the disposal of their petitions dated 19.12.2005 and 16.10.215 by the first respondent under the Pondicherry Land Grant Rules, 1975.

3.It is the case of the petitioners that they are in possession and enjoyment of the land in Survey No.63/1 in Agasampattu Village, measuring 13 acres and the unassessed waste land bearing S.No.21/1 is the only access to their land. While so, the second respondent issued a show cause notice calling upon the first petitioner's husband viz., father of petitioners 2 to 4 for occupying the said narrow stretch of unassessed waste land. Based on the opinion of Village Administrative Officer, the second respondent passed an order dated 15 August 2008, imposing penalty on the first petitioner's husband. Thereafter, the first petitioner's husband made a representation dated 19 December 2005 to the Government, seeking to assign the said narrow passage to him. After the demise of the first petitioner's husband in the year 2008, the petitioners herein are using the passage in question. Reiterating the same request made by his father, the third petitioner submitted a representation dated 16 October 2015 to the first respondent. Since no action has been taken on those representations, the petitioners have come up with this writ petition.

4.The learned Special Government Pleader appearing for the respondents submits that the petitioners are not poor landless persons and as such, they are not entitled to assignment of patta in respect of narrow passage in question. However, if a representation is made to assign the passage in question, the same will be considered sympathetically, considering the requirement of the petitioners.

5.In that view of the matter, we do not find any merit to grant any other direction except to consider the representation to the above extent.

6.Thus, such representation made by the petitioners, pending consideration, shall be considered by the authorities and a decision shall be taken at the earliest. Till a decision is taken by the authorities, status quo, as obtained today in respect of the property in question, shall be maintained.

7.With the aforestated observation and direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The District Collector,
Puducherry.

2.The Tahsildar,
Madhavaram Taluk Office.

3.The Villianur Commune
Panchayat rep. by its
Commissioner, Villianur,
Puducherry.

4.The Junior Engineer,
The Villianur Commune Panchayat,
Villianur, Puducherry.

+1 cc to M/s.T.P.Manoharan Advocate sr.11972

+ 1 cc Govt.Pleader-cum- PP. Puducherry Sr 11139 (29/3/16)

W.P. No.36727 of 2015

aa07/03/2016