

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P.No.21723 of 2013

and

M.P.No.1 of 2013

S.Arumugam

.. Petitioner

-vs-

1.The Secretary to Government,
Revenue Department,
Secretariat, Fort St. George,
Chennai.

2.The Revenue Divisional Officer,
Tiruporur Taluk,
Kancheepuram District.

3.The Tahsildar,
Tiruporur Taluk,
Kancheepuram District.

4.Village Administrative Officer,
Venbedu Village,
Tiruporur Taluk,
Kancheepuram District.

5.The President,
Venbedu Panchayat,
Tiruporur Taluk,
Kancheepuram District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus forbearing the 3 to 5 respondents from evicting the petitioner from the agricultural land in Survey No.176, Kattur Village, Tiruporur Taluk (formerly Chengelpet Taluk), Kancheepuram District, except under due process of law.

For Petitioner : No Appearance
(Mr.S.Rajakumar - counsel
on record)

For Respondents : Mr.T.N.Rajagopalan
Spl. Govt. Pleader for R1 to R4

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The learned counsel for the petitioner states that he has returned the bundle three months ago. However, none has put in appearance for the petitioner.

2. The petitioner seeks to obtain a restraint order forbearing respondent Nos.3 to 5 from evicting the petitioner from the agricultural land in S.No.176, Kattur Village, Tiruporur Taluk (formerly known as Chengalpet Taluk), Kancheepuram District, except by due process of law. Status quo order was granted on 13.08.2013 on the premise that an extent of 1.50 acres of the land was being used for agricultural purposes by the petitioner and his family members, for which the petitioner was paying kist to the Revenue department.

3. The counter-affidavit filed by respondent No.3 shows that the land in question is situated within the Village Panchayat of Venbedu and classified as Meikkal poramboke. Thus, mere incidence of usage cannot give any indefeasible right of possession or of ownership. In fact, it is alleged that the petitioner has never cultivated the land, nor paid any agricultural kist to the Revenue department at any time. But his father was in illegal occupation and fine amount in the form of B-Memo was received from the father of the petitioner. The father of the petitioner passed away about 20 years ago before filing of the petition.

4. It is categorically averred that only when the Revenue authorities prevented the petitioner from encroaching the land, he had approached the Court and that no patta can be given to the petitioner. In fact, it is averred that there were no crops in the land for many years in the past, as would be apparent from the photographs. The illegal encroachment by the petitioner was prevented.

5. The aforesaid counter-affidavit was affirmed on 23.10.2013. No rejoinder was filed by the petitioner to the same. In view of the aforesaid facts set out in the counter-affidavit, no case for any rights in favour of the petitioner is made out and thus, we dismiss the writ petition, leaving the

parties to bear their own costs. Consequently, M.P.No.1 of 2013 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

bbr

To

- 1.The Secretary,
Revenue Department,
Secretariat, Fort St. George,
Chennai.
- 2.The Revenue Divisional Officer,
Tiruporur Taluk,
Kancheepuram District.
- 3.The Tahsildar,
Tiruporur Taluk,
Kancheepuram District.
- 4.The Village Administrative Officer,
Venbedu Village,
Tiruporur Taluk,
Kancheepuram District.
- 5.The President,
Venbedu Panchayat,
Tiruporur Taluk,
Kancheepuram District.

+1cc to the Government Pleader, S.R.No.67702

mv (CO)
md(05/12/2016)

WEB COPY W.P.No.21723 of 2013