

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2016

CORAM :

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 1188 of 2013

K. Munusamy

..Petitioner

Vs.

1. The District Collector
Collector Office
Vengikal
Thiruvannamalai
Thiruvannamalai District.
2. The Superintendent of Police
Vengikal
Thiruvannamalai
3. The Tahsildar
Taluk Office
Thiruvannamalai
Thiruvannamalai District.
4. Thanga Prakasam
5. Xavier
6. Arul Prakasam
7. Sekar @ Periya Nayagam
8. Bhuvaneswari

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the first, second and third respondents to recover the Panjami Land (D.C Land) in Survey No.62/5 to an extent of 0.03.0 Acre (0.7.5 cents) situated at No.80, Agaram Sippanthi Village, Thiruvannamalai District from the respondents 4 to 8 and to handover the same to the petitioner and pass further orders.

For Petitioner : Mr. K.L. Sekar

For Respondents : Mr. S.Diwakar,
Spl. Govt. Pleader for R1 to R3

No Appearance for R4 to R8

O R D E R

The petitioner has filed the present writ petition, to direct the respondents 1 to 3, to recover the Panjami Land (D.C Land) in Survey No.62/5 to an extent of 0.03.0 Acre (0.7.5 cents) situated at No.80, Agaram Sippanthi Village, Thiruvannamalai District from respondents 4 to 8 and handover the same to the petitioner.

2. Learned counsel for the petitioner would submit that the Panjami land was allotted to the petitioner and issued patta No.321 dated 01.09.2003. While the petitioner was cultivating the land, respondents 4 to 8 encroached upon the land. Based on the complaint lodged by the petitioner, the village Administrative Officer perused the records and warned the respondents 4 to 8, through police, not to disturb the peaceful possession of the petitioner. In spite of the same, the respondents 4 to 8 have encroached upon the panchami land and the petitioner was thrown out forcibly. Therefore, the petitioner made representations to respondents 1 to 3. Since no action has been taken, the petitioner has filed the present writ petition before this Court.

3. Mr. S. Diwahaar, learned Special Government Pleader would submit that the Panjami Land (D.C Land) in Survey No.62/5 to an extent of 0.03.0 Acre (0.7.5 cents) situated at No.80, Agaram Sippanthi Village, Thiruvannamalai District, was assigned in favour of the petitioner in the year 2003. If any unauthorised persons have encroached upon the said land, the petitioner should have approached the appropriate forum to protect his right. Counter has also been filed by the third respondent stating that the petitioner has to approach the appropriate civil forum to protect his rights. Therefore, the writ petition is liable to be dismissed.

4. Learned counsel for the petitioner further submitted that the representation of the petitioner dated 30.08.2012 is still pending before the first respondent. It would be suffice, if direction is given to the first respondent to consider the said representation of the petitioner.

5. Taking into consideration the facts and circumstances of the case and the counter filed by the third respondent, since the petitioner has filed a representation before the first respondent and that the first respondent has got powers to consider his representation, this Court directs the first respondent to consider the representation dated 30.08.2012 of the petitioner, in accordance with law, after giving reasonable opportunity to the parties concerned and pass orders as expeditiously as possible, not later than twelve weeks from the date of receipt of a copy of this order.

6. The Writ Petition is disposed of, on the above terms. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

avr

To

1. The District Collector
Collector Office
Vengikal
Thiruvannamalai
Thiruvannamalai District.
2. The Superintendent of Police
Vengikal
Thiruvannamalai
3. The Tahsildar
Taluk Office
Thiruvannamalai
Thiruvannamalai District.

+1cc to Mr.Sekar, Advocate, S.R.No.74188
+1cc to the Government Pleader, S.R.No.74805

SS(CO)
RS(19/01/2017)

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