

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2016

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.22852 of 2016

And

W.M.P.No.19525 of 2016

M.Kanniyappan

... Petitioner

Vs.

- 1 The District Collector of Villupuram,
Villupuram.
- 2 The District Revenue Officer,
Villupuram.
- 3 The Tahsildar,
Gingee Taluk,
Villupuram District.
- 4 The Block Development Officer,
Vallam Block,
Gingee Taluk Villupuram District.
- 5 The President
Anathur Panchayat Union,
Anathur Post,
Gingee Taluk,
Villupuram District.

- 6 Panneer Selvam
- 7 Palani
- 8 Devaki
- 9 Ananthan

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents 4 and 5 from interfering with the petitioner possession and peaceful enjoyment of the lands measuring 1 Acre comprised in Survey No. 133 Situate in Anathur Village Gingee Taluk Villupuram District except otherwise in accordance with due process of law.

For Petitioner : Mr.T.Dhanasekaran

For Respondents: Mr.R.A.S.Senthilvel for R1 to R3
Additional Government Pleader
Mr.Era Premnath for R4 and R5
Government Advocate

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The petitioner claims to be in possession and occupation of the lands admeasuring 1 acre comprised in Survey No.133 situate at Anathur Village, Gingee Taluk, Villupuram District and it has been classified as Tank Poramboke and he is in possession and enjoyment of the same for over 40 years. It is further stated that "B" Memo has also been issued in his favour and he is doing agricultural activities. The grievance expressed by the petitioner is that the respondents 4 and 5, without putting the petitioner on notice whatsoever, seek to dispossess the lands and therefore, came forward to file this writ petition.

3.Heard the submissions of Mr.T.Dhanasekaran, learned counsel appearing for the petitioner, Mr.R.A.S.Senthilvel, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 to 3 and Mr.Era Premnath, learned Government Advocate, who accepts notice on behalf of the respondents 4 and 5.

4.Though the petitioner prayed for a larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the same, permits the petitioner to submit a representation to the respondents 3 and 5 within a period of one week from the date of receipt of a copy of this order and the respondents 3 to 5 on receipt of the same, is directed to consider the said representation in accordance with law and after putting on notice, the respondents 6 to 9 pass orders within a further period of four weeks thereafter and communicate the decision taken, to the petitioner as well as to the respondents 6 to 9 and till then, the possession of the petitioner shall not be disturbed.

5.The petitioner till the disposal of the petition, shall not create any third party right in respect of the land in question.

6.The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

- 1 The District Collector of Villupuram,
Villupuram.
- 2 The District Revenue Officer,
Villupuram.
- 3 The Tahsildar,
Gingee Taluk,
Villupuram District.
- 4 The Block Development Officer,
Vallam Block,
Gingee Taluk Villupuram District.
- 5 The President
Anathur Panchayat Union,
Anathur Post,
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Villupuram District.

- 1 cc to Mr.Dhanasekaran, Advocate, sr.37172
1 cc to Government Pleader, sr.37272

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