

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2016

CORAM :

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

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. No.37307 of 2016

R.Balasubramanian

.. Petitioner

-vs-

- 1.The District Collector,
Namakkal District,
Namakkal.
- 2.The District Revenue Officer,
Namakkal District,
Namakkal.
- 3.The Superintendent of Police,
Namakkal District,
Namakkal.
- 4.The Assistant Director of Survey,
Namakkal.
- 5.The Revenue Divisional Officer,
Namakkal Taluk,
Namakkal.
- 6.The Deputy Superintendent of Police,
Namakkal.
- 7.The Deputy Inspector of Survey,
Namakkal.
- 8.The Tahsildar,
Namakkal Taluk,
Namakkal District.
- 9.Thangavel @ Mani
- 10.Kalaivani
- 11.Subramanian

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents to evict the respondents 9 toll from the Chavadi land in Old Survey No.143A/1A/A1 and New Survey No.465 situated at Mohanur Village, Namakkal Taluk and District.

For Petitioner : Mr.P.Rathanavel

For Respondents

: Mr.T.N.Rajagopalan
Spl. G.P. for R1 to R8

O R D E R

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

On hearing the learned counsel for parties, we find that the case of the petitioner for encroachment by the private respondent is predicated on a plea that it is a Chavadi land and thus meant for the villagers as a whole. However, the fact remains that this land was converted into Natham land by the Government and the learned counsel for the petitioner was not able to show to us any prohibition either by any Statute or judicial pronouncements, by which Chavadi land cannot be converted into Natham land. Once it was converted as Natham land, pattas have already been issued to the private respondents.

2. We are, however, completely dissatisfied with the manner in which G.O.(Ms) No.540, Revenue (LD 6(2) Department, dated 04.12.2014 has been implemented, or rather, not implemented in the present case. G.O.(Ms) No.540 was issued in pursuance to certain judicial proceedings in order to enable the petitioners who claim encroachment on the public land to move the Government first before filing petitions in the Court. It envisages appeal and revision structure. There has been a complete failure in the present case, as at all three stages, the petitioner has failed to elicit a decision within the stipulated time, which has still not been done.

3. We direct the Secretary, Revenue Department, which has issued G.O.(Ms) No.540 to file an affidavit as to why the said G.O. has not been implemented not only in this case, but in numerous other cases which are coming up before us, as it shows failure of the system. The Secretary would also hold an enquiry in so far as the present case is concerned as to why there was a failure, fix the responsibility and take action, so as not to make the remedy under the G.O. illusory.

4. The affidavit be filed within four weeks.

5. The writ petition is dismissed, leaving the parties to bear their own costs. But for other general directions, list the writ petition on 16.12.2016 for compliance.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

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To

- 1.The District Collector,
Namakkal District,
Namakkal.
- 2.The District Revenue Officer,
Namakkal District,
Namakkal.
- 3.The Superintendent of Police,
Namakkal District,
Namakkal.
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Namakkal.
- 7.The Deputy Inspector of Survey,
Namakkal.
- 8.The Tahsildar,
Namakkal Taluk,
Namakkal District.

Copy to:
The Sub Assistant Registrar (Writs),
High Court, Madras.

1 cc to Mr.P.Rathanavel, Advocate, Sr. 60938

W.P.No.37307 of 2016

CP (CO)
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