

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 09.06.2016

Coram:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.Nos.9230 to 9232 of 2016

and

W.M.P.Nos.8201 to 8203 of 2016

Minor Udvaithaa Saai.V
daughter of Vishnu Varadhan
rep.by her natural guardian and mother
Padma Prashanthini.V. Petitioner in
W.P.No.9230 of 2016

Minor Dheeksheta Sai.V
daughter of Vishnu Varadhan,
Rep,by her natural guardian and
mother Padma Prashanthini.V. Petitioner in
W.P.No.9232 of 2016

vs.

1.The Revenue Division Officer,
Chengalpattu Division,
VOC Nagar, Chengalpattu-603 001
Tamil Nadu.

2.The Tahsildar,
Thirukazhukundram Taluk,
Taluk Office,
Thirukazhukundram-603 109

.... Respondents
in all the writ petitions

Prayer in W.P.No.9230 of 2016: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus forbearing the respondents, their officers, employees, subordinates, agents or any other persons claiming and/or acting under them, from in any manner interfering with the petitioner's peaceful possession and enjoyment of the petitioner, including the right deal with, the lands admeasuring an extnt of 0.25 acres or 10900 square feet bounded on the north by lands settled in favour of Dheeksheta Sai.V, south by Co-operative Society Building, East by M.Mangalagowri land and west by Panchayath Road comprised in Survey No.144/7 measuring 0.83 acres or thereabouts, situate at No.81, Nallathur Village, Thirukazhukundram Taluk, Kanchipuram District, within the Sub-Registration District of Thirukazhukundram and Registration District of Chengalpattu which absolutely belongs to the petitioner.

Prayer in W.P.No.9232 of 2016: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus forbearing the respondents, their officers, employees, subordinates, agents or any other persons claiming and/or acting under them, from in any manner interfering with the petitioner's peaceful possession and enjoyment of the petitioner, including the right deal with, the lands admeasuring an extnt of 0.25 acres or 10900 square feet bounded on the north by M.Mangalagowri Land, south by lands settled in favour of Udvaithaa Saai.V, east by M.Mangalagowri land and west by Panchayath Road comprised in Survey No.144/7 measuring 0.83 acres or thereabouts, situate at No.81, Nallathur Village, Thirukazhukundram Taluk, Kanchipuram District, within the Sub-Registration District of Thirukazhukundram and Registration District of Chengalpattu which absolutely belongs to the petitioner.

For Petitioners : Mr.Sathish Parasaran
For Respondents : Mr.RAS Senthilvel,A.G.P.

COMMON ORDER

By consent, the writ petitions are taken up for final disposal.

2. The mother of the deponent and grandmother of the petitioners, namely, Mangalagowri, purchased 0.83 acres, in Survey No.144/7, Nallathur Village, Thirukazhukundram District, from (i)N.N.Sundaramurthy Mudaliar and (ii) M.R.Susila Ammal, vide registered sale deed, dated 02.02.2004, Document No.2719 of 2004, Book-I, registered at the the office of the Sub-Registrar, Thirukazhukundram and was in possession and enjoyment of the same and out of love and affection, she settled an extent of 0.50 acres out of 0.83 acres, in favour of the petitioners. After the said settlement, the petitioners continue to be in possession and enjoyment of the land. The apprehension expressed by the petitioners is that during the first week of March 2016, the officials attached to the office of the respondents, had visited the land and informed Mangalagowri, wife of C.K.Manoharan that the said land is intended to be allotted by the respondents in favour of persons who were encroachers of some of the tank bunds and in this regard Mangalagowri submitted a representation dated 4.3.2016 to the respondents and though the said representation is yet to be disposed of, attempts are being made to dispossess the petitioners from the land in question and therefore, came forward to file these writ petitions.

3. When the matter was listed on 11.03.2016, the learned Additional Government Pleader accepted notice and prayed for time to file counter and this Court granted an interim order

of status-quo and the said interim order has been extended on number of times.

4. The learned counsel for the petitioners would submit that even assuming without admitting that the land in question sought to be allotted in favour of some other persons or the predecessors in title to be treated as encroachers, still the concerned persons should be put on notice and without recourse to due process of law, the respondents, in a high handed manner trying to dispossess the petitioners and prays for appropriate orders.

5. Per contra, the learned Additional Government Pleader has drawn the attention of this Court to the counter affidavit and would submit that the land ad-measuring 0.39.5 hectares of land in Survey No.144/7 is classified as Government Poramboku (Village site) and after corrections, an extent of 0.35.0 hectares in Survey No.144/12 has been noted as Co-operative Multipurpose Society and the remaining extent has been noted as Government Poramboku. Since the petitioners are in occupation of the Government land, steps are being taken to evict them and also undertakes that the due process of law will be followed before doing so.

6. This Court, in the light of the above facts and circumstances, without going into the merits of the claim projected either by the petitioners or by the official respondents, directs the respondents 1 and 2 to consider and dispose of the representation dated 4.3.2016 submitted by Mangalagowri, on merits and in accordance with law, after providing an opportunity of personal hearing either to her or to her authorised representative and pass orders within a period of eight weeks from the date of receipt of a copy of this order and till then, shall maintain status-quo as existed on the date of passing the interim order, on 11.3.2016, in these writ petitions.

7. The writ petitions are disposed of accordingly. No costs. Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(V)

//True Copy//

Sub Assistant Registrar

msk

To

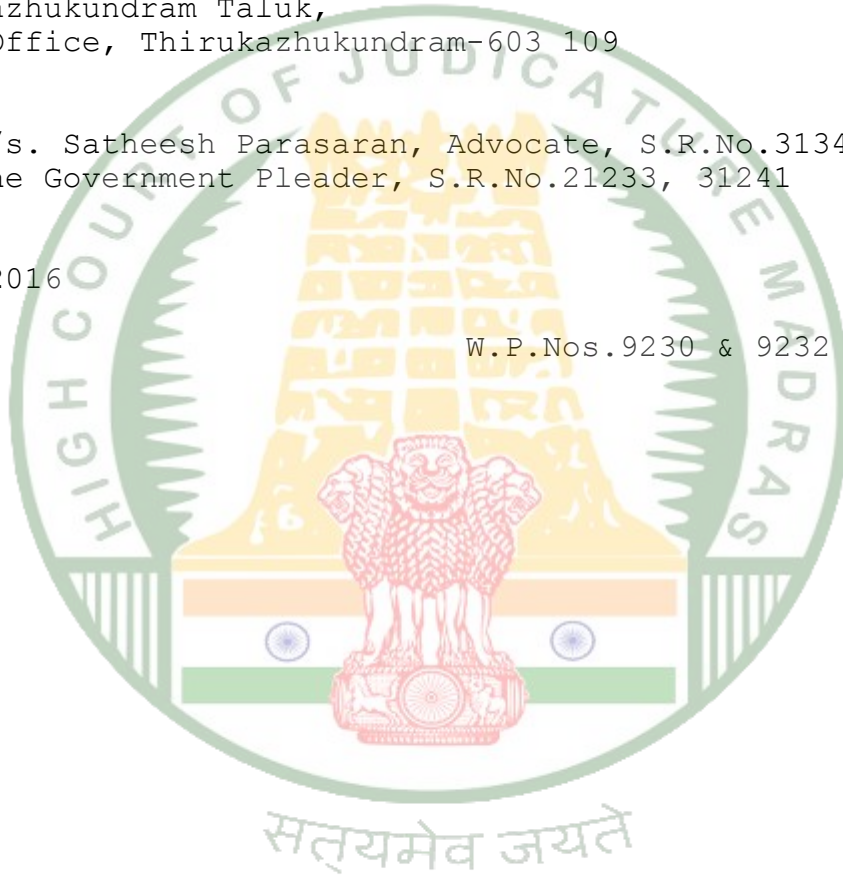
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+1cc to M/s. Satheesh Parasaran, Advocate, S.R.No.31340
+1cc to the Government Pleader, S.R.No.21233, 31241

AK(CO)
EU(21/06/2016)

W.P.Nos.9230 & 9232 of 2016



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