

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 09.06.2016

Coram:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.9231 of 2016
and
W.M.P.No.8203 of 2016

M.Mangala Gowri ... Petitioner

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

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 extent of 0.33 acres or thereabouts bounded on the North by the land in Survey No.144/10, east by the land in Survey No.144/3, south by land settled in favour of V.Dheeksheta Sai and west by 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 Petitioner : Mr.Sathish Parasaran

For Respondents : Mr.RAS Senthilvel,A.G.P.

COMMON ORDER

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

2. It is the case of the petitioner that she purchased land admeasuring an extent of 0.83 acres of land, 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 claims to be 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 her grand daughters. After the said settlement, the petitioner continue to be in possession and enjoyment of the land. The apprehension expressed by the petitioner is that during the first week of March 2016, the officials attached to the office of the respondents, had visited the land and informed her 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 she 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 her from the land in question and therefore, came forward to file this writ petition.

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 petitioner 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 attempting to dispossess the petitioner 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 petitioner is in occupation of the Government land, steps are being taken to evict her 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 petitioner or by the official respondents, directs the respondents 1 and 2 to consider and dispose of the representation dated 4.3.2016 submitted by the petitioner, 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 this writ petition.

7. The writ petition is disposed of accordingly. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(V)

//True Copy//

Sub Assistant Registrar

msk

To

- 1.The Revenue Divisional Officer,
Chengalpattu Division,
VOC Nagar, Chengalpattu-603 001
Tamil Nadu.
- 2.The Tahsildar,
Thirukazhukundram Taluk,
Taluk Office, Thirukazhukundram-603 109

+1cc to the Government Pleader, S.R.No.21234

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

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