

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:05.07.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE N.SESHASAYEE

W.P.No.11454 of 2017 and WMP No.12435 of 2017

1.P.Iyasamy
2.P.Kasilingam @ Ramnujam,
3.P.Palanisamy ... Petitioners

Vs

1. The District Collector,
Villupuram,
Villupuram District.

2. The District Revenue Officer,
O/o. District Revenue Officer,
Villupuram District.

3. The Revenue Divisional Officer,
Kallakurichi,
Villupuram District.

4. The Tahsildhar,
Sankarapuram Taluk,
Villupuram District.

5. The Inspector,
HR &CE Department,
Kallakurichi,
Villupuram District .. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus forbearing the respondents from interfering with Petitioner's peaceful possession and enjoyment of land survey No.108/4 measuring to an extent of Hectares 0.20.0 ares situated at Manjaputhur Village, Sankarapuram Taluk, Villupuram District except under due process of law.

For Petitioner : Mr.R.Bharat Kumar

For Respondents : Mr.R.Vijayakumar,
Additional Government Pleader
for R1 to R4
Mr.M.Maharaja,
Special Government Pleader
for R5

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

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

2 One Ms.T.Saroja, on an earlier occasion filed WP No.8010 of 2015 against the respondents 1, 3 and 4 herein as well as against the Revenue Divisional Officer, Kallakurichi, Inspector of HR&CE department, Kallakurichi and private respondents which included the present petitioner herein for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to take appropriate legal action for eviction of encroachment made in Government Poramboke lands in Survey Nos.108/3, 108/4, 108/7 and 108/1, Manjapathur Village, Sankarapuram Taluk, Villupuram District within a stipulated time for the purpose of forming cart track / agricultural land pathway.

3. This Court vide order dated 30.01.2017, after taking note of the submissions made by the learned Additional Government Pleader, directed the removal of the encroachment within a maximum period of two months from the date of receipt of copy of the order and also indicated that once encroachments are removed, work for making of the cart track would be commenced.

4. The grievance expressed by the petitioner is that the land comprised in Survey No.108/5 measuring to an extent of Hectare of 0.06.0 ares situate in the said village was owned and possessed by Kasiramalingam -the 2nd petitioner herein. The land comprised in Survey No.108 /6 measuring to an extent of Hectares 0.37.0 ares in the said village is jointly owned and possessed by the petitioners 1 and 2 and one Chinnapaiyan and claims possession and enjoyment for very many years and without taking note of the said fact, they are sought to be dispossessed and therefore, came forward to file this writ petition.

5. This Court heard the submissions of Mr.R.Vijayakumar, learned Additional Government Pleader for Respondents 1 to 4 and Mr.M.Maharaja, Special Government Pleader [HR&CE] appearing for 5th respondent who has invited the attention of this Court to the order dated 04.04.2017 made in WP No.7823 of 2017 and would submit that similar orders may also be passed in this writ petition and they are constrained to approach this Court by this writ petition.

6. This Court in the light of the above facts and circumstances and without going into merits of the claim projected by the petitioners, directs the 4th respondent to issue notice to respondents 1 to 3, within two weeks from the date of receipt of copy of this order and upon receipt of the notice, the petitioners are at liberty to submit their representation along with the required and necessary documents within three weeks thereafter and upon receipt of the same, the 4th respondents is directed to consider the said representation, on merits and in accordance with law and pass orders within a further period of four weeks thereafter and also communicate the decision to the petitioners and till such time the respondents shall defer further proceedings to evict or dispossess the petitioners from the land in question.

7. The writ petition stands disposed of with the above direction. No costs. Consequently, the connected miscellaneous petitions are also closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

rka/sk

To

1. The District Collector,
Villupuram,
Villupuram District.
2. The District Revenue Officer,
O/o. District Revenue Officer,
Villupuram District.
3. The Revenue Divisional Officer,
Kallakurichi,
Villupuram District.

4. The Tahsildhar,
Sankarapuram Taluk,
Villupuram District.

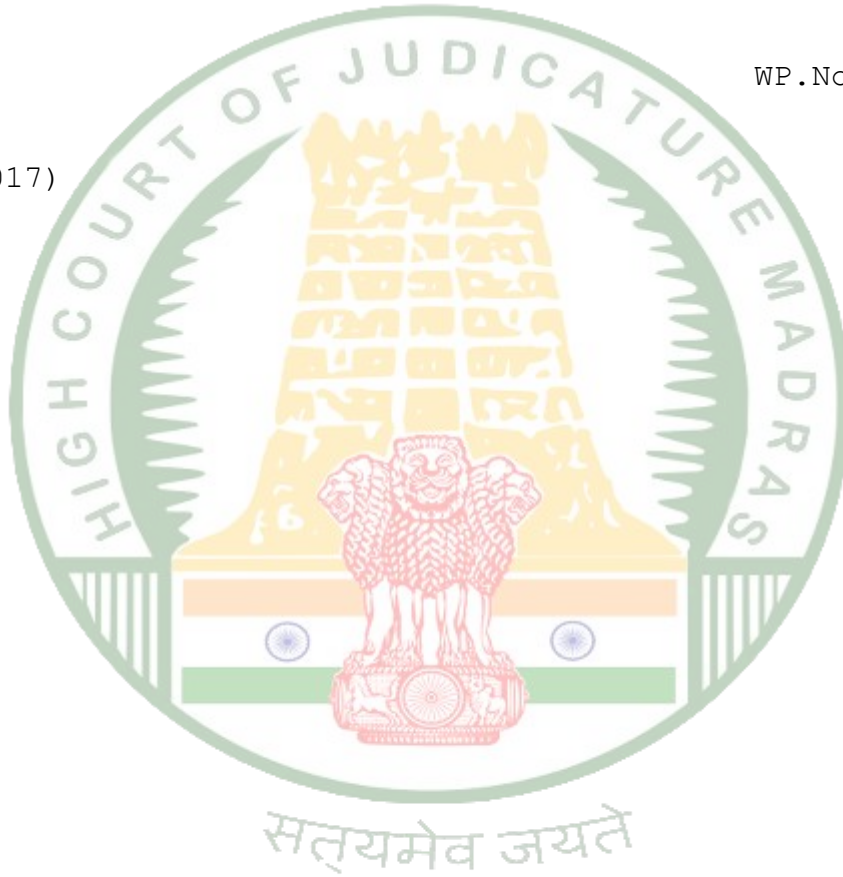
5. The Inspector,
HR &CE Department,
Kallakurichi, Villupuram District

+1cc to Mr.Barath Kumar,Advocate sr.46826

+1cc to Government Pleader sr.47110,47223

WP.No.11454/2017

mg(co)
ss(20/7/2017)



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