

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:12.12.2017
CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE SATRUGHANA PUJAHARI
WP.No.32260/2017 & WMP.No.35520/2017

Muniappan

.. Petitioner

Versus

- 1.The Commissioner
Land Reforms, Chepauk
Chennai.
- 2.The District Revenue Officer
Erode, Office of the Collectorate
Erode.
- 3.The Tahsildar
Andhiyur, Andhiyur Taluk
Erode District.
- 4.Seerangan
- 5.Perumal
- 6.Manikaran
- 7.Arupaiyan
- 8.Sambu
- 9.Raju Murugan
- 10.Velaiyal

.. Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for a writ of mandamus directing the respondents 1 to 3 to remove the encroachments made by the respondents 4 to 10 in the Bhoomidhana lands totally measuring about 7 acres situated at S.No.176/1, 168/2 Attaani Village, Andhiyur Taluk, Erode District which was given to the petitioner and two others by the Government of Tamil Nadu.

For Petitioner : Mr.M.Naarayanaswamy
For R1 to R3 : Mr.M.Digvijaya Pandian, AGP

ORDER

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

By consent, the writ petition is taken up for final disposal. Mr.M.Digvijaya Pandian, learned Additional Government Pleader accepts notice on behalf of the respondents 1 to 3.

2 The petitioner would state that he along with one
<https://hcservices.ecourts.gov.in/hcservices/> Mr.Karuppanan, son of Narayana Gounder and Mr.R.Arumugam, son

of Ramasamy, were the residents of Attaani Village, Andhiyur Taluk and were in

possession and enjoyment of the agricultural lands admeasuring to an extent of 7 acres comprised in S.Nos.176/1 and 168/2 under "Bhoomidhan" Scheme and they are in possession and enjoyment of the said for over 40 years and also cultivating the said lands. The petitioner also made a request for grant of patta and an enquiry has also been conducted as to the verification of the claim and however, patta is yet to be issued. It is the specific case of the petitioner that at the instance of some of the persons belonging to the Local Body, the private respondents, viz., respondents 4 to 10 had encroached upon the portion of the land and put up thatched sheds and also drawn the attention of this Court to pages No.36 and 37 of the typed set of papers and would submit that the private respondents are in illegal occupation of the lands and in this regard, a police complaint was given to Aappakoodal Police Station and since it was not taken cognizance, he filed CrI.OP.No.23401/2017 and this Court, vide order dated 13.11.2017 has directed the respondent police to follow the dictum laid down by the Hon'ble Apex Court in the decision reported in 2013 [6] CTC 353 [Lalitha Kumari Vs. Government of Uttar Pradesh and others] and the registration of the case is under progress.

3 The learned counsel for the petitioner would submit that it would be suffice to direct the 3rd respondent to consider and dispose of the representation submitted by the villagers dated 04.11.2017 in accordance with law as expeditiously as possible.

4 The Court heard the submissions of Mr.M.Digvijaya Pandian, learned Additional Government Pleader appearing for the respondents 1 to 3 and also perused the materials placed before it.

5 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, permits the petitioner to submit a detailed representation to the 3rd respondent along with a copy of this order and by enclosing the relevant and authenticated documents within a period of two weeks from the date of receipt of a copy of this order and the 3rd respondent, upon receipt of the same, shall put the petitioner as well as the respondents 4 to 10 on notice and thereafter, consider and dispose of the representation to be submitted by the petitioner within a further period of ten weeks thereafter and communicate the decision taken, to the petitioner as well as to the respondents 4 to 10 herein.

6 The writ petition stands disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

AP

To

1.The Commissioner
Land Reforms, Chepauk
Chennai.

2.The District Revenue Officer
Erode, Office of the Collectorate
Erode.

3.The Tahsildar
Andhiyur, Andhiyur Taluk
Erode District.

+1cc to Government Pleader SR.No.89038

+1cc to Mr.M.Narayanaswamy, Advocate Sr.No.88055

sm:4.1.2018

WP.No.32260/2017

सत्यमेव जयते

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