

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:18.12.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

WP No.32711 of 2017
and
WMP.No.36028 of 2017

K.Kayilairajan

..Petitioner

Vs

1. The State of Tamil Nadu
Rep by its Secretary,
Department of Revenue.
2. The District Collector,
Nagapattinam District,
District Collectorate
Nagapattinam - 611 003.
3. The District Revenue Officer,
Nagapattinam
District Collectorate
Nagapattinam - 611 003.
4. The Revenue Divisional Officer,
Nagapattinam District.
5. The Tahsildar,
Vedaranyam,
Nagapattinam District.
6. The Village Administrative Officer,
Kovilpathu Village,
Vedharanyam Taluk,
Nagapattinam District.
7. A.Nagoran
8. N.Murali

..Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 to 6 herein to take appropriate legal action for removing the encroachment and illegal construction made by respondents 7 and 8 in the "Vandi pathai Pooramboke land" in Survey No.66/1 at Kovilpathu Village, Vedharanyam Taluk, Nagapattinam District within a reasonable time as may be prescribed by this Hon'ble Court.

For petitioner : Mr.M.R.Kuyilan
For R-1 to R-6 : Mr.Digvijaya Pandian, AGP

ORDER

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

By consent, the writ petition is taken up for final disposal. Mr.Digvijaya Pandiyan, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 to 6.

2.The petitioner claims that he owns agricultural lands admeasuring to an extent of 55 cents in survey No.66/7, KovilPathu East Village, Vedaranyam Taluk Nagapattinam District and according to him, he is carrying on agricultural operation in the said land and for irrigation purposes, used to get water from the pond situate in Survey No.66/8 which is located on the south of his land. It is specific case of the petitioner that the respondents 7 and 8 on 17.07.2017, had unlawfully encroached upon the "Vandipadhai Poramboke" [Cart Track Poramboke] in the land in S.No.66/1 and put up a hut and they are also trying to get patta for the said land. It is the specific case of the petitioner that as per the "A" Registrar Extract of the said village coupled with Field Map Sketch, the land encroached by the private respondents do not belong to them and it absolutely belongs to the Government. The petitioner in this regard, has given a representation to the concerned official respondents and the office of the 4th respondent vide Memo dated 13.09.2017, Na.Ka.No.1377/2017/A4 has directed the 5th respondent to take into consideration the said representation and after conducting enquiry, remove the encroachment and communicate the decision taken to the petitioner as well as to their office and since no action has been taken by the 5th respondent despite a direction was issued by his superior official, viz., the 4th respondent, the petitioner submitted one more representation dated 13.11.2017, the Commissioner of Revenue Administration with a copy marked to other official respondents and despite receipt and acknowledgement, the encroachment made by the 7th and 8th respondents on the above said land, is yet to be removed and they are also taking steps to get patta from 5th respondent. This Court has also put a specific question to the learned counsel for the petitioner as to whether the petitioner is an encroacher

and on instructions, he would submit that the petitioner is the owner of the patta land.

3.The Court heard the submissions of Mr.Digvijaya Pandiyan, learned Additional Government Pleader appearing for the respondents 1 to 6.

4.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 either in his representation or in this writ petition, directs the 5th respondent to act on the Memo dated 13.09.2017 in Na.Ka.No.1377/2017A4 issued by the 4th respondent and after putting the petitioner as well as 7th and 8th respondents on notice, shall take appropriate action on merits and in accordance with law in pursuant to the said Memo within a period of ten weeks from the date of receipt of copy of this order and communicate the decision, the petitioner as well as to the 7th and 8th respondents herein.

5.The writ petition stands disposed of with the above direction. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

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To

1. The State of Tamil Nadu
Rep by its Secretary, Department of Revenue.
2. The District Collector,
Nagapattinam District,
District Collectorate, Nagapattiam - 611 003.
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Nagapattinam, District Collectorate
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Vedaranyam, Nagapattinam District.

6. The Village Administrative Officer,
Kovilpathu Village,
Vedharanyam Taluk,
Nagapattinam District.

+ 1 cc to Mr.M.R.Kuyilan Advocate,SR.90015

+ 1 cc to The Govt.Pleader, SR.91095

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nr 08/01/2018



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