

IN THE HIGH COURT OF JUDICATURE AT MADRAS

<i>Reserved On</i>	<i>Pronounced On</i>
29.06.2017	12.07.2017

CORAM**THE HONOURABLE MR. JUSTICE R.SUBBIAH**

and

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

Review Application Nos.5 and 6/2014 in WP.No.23454/2012 & MP.Nos.1&2/2014 in Review Application Nos.5 and 6/2014 ; Cont.P.No.2636/2013 & WP.No.28780/2013 & WMP.No.10732/2016 & 10529/2016

Review Application No.5/2014:-

S.Sekar

.. Petitioner /
Third Party

Versus

1.The District Collector,
District Collectorate, Namakkal.

2.Mr.V.Natesan

.. Respondents 1&2

3.Mr.P.Rajavel

.. 3rd Respondent /
Writ Petitioner

Prayer:- Review Application filed under Order 47 Rule 2 CPC read with Article 226 of the Constitution of India preferred against the order dated 29.08.2012 passed in WP.No.23454/2012.

Review Application No.6/2014:-

V.Natesan .. Petitioner / 2nd
Respondent

Versus

1.The Collector,
District Collectorate, Namakkal. .. 1st Respondent

2.Mr.P.Rajavel .. 2nd Respondent /
Writ Petitioner

Prayer:- Review Application filed under Order 47 Rule 1 CPC read with
114 CPC, preferred against the order dated 29.08.2012 passed in
WP.No.23454/2012.

Contempt Petition No.2636/2013:-

P.Rajavel .. Petitioner

Versus

Mr.V.Dhakshanamoorthy
The District Collector
O/o.The Collectorate
Namakkal District.

.. Respondent /
1st Respondent

Prayer:- Contempt petition filed under section 11 of the Contempt of
Courts Act, to punish the respondent herein for wilful disobedience and
violating the order of this Court dated 29.08.2012 in WP.No.23454/2012.

WP.No.28780/2013:-

P.Rajavel

.. Petitioner

Versus

1.The Assistant Director

Rural Development Department
O/o.The Rural Development Department
Namakkal.

2.The Block Development Officer

Elachipalayam, Namakkal District.

3.The President

Konnaiyar Village
Tiruchengode Taluk, Namakkal District.

4.V.Natesan

.. Respondents

****R4 impleaded as per the order dated 11.11.2013
in MP.No.1/2013 in WP.No.28780/2013**

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, praying for a writ of mandamus directing the respondents 2 and 3 to implement and comply with the order of the 1st respondent in its Ref.No.400/2012/Cep5 dated 20.08.2013 within time frame on the basis of the petitioner's representation dated 16.09.2013.

For Petitioner in
Rev.ApIn.No.5/2014 : Mr.K.Ravi Anantha Padmanaban

For Petitioner in
Rev.ApIn.No.6/2014 &
R2 in Rev.ApIn.No.5/2014: Mr.A.Thiagarajan

For Petitioner in Cont.P.
No.2636/2013 and
WP.No.28780/2013 & for
R3 in Rev.ApIn.No.5/2014
& R2 in Rev.ApIn.No.6/2014: Mr.V.Subramanian for
M/s.Dass Law Associates

For Respondent in
Cont.P.No.2636/2013 &
Rev.ApIn.Nos.5&6/2014
& RR1 to 3 in WP.No.
28780/2013 : Mr.C.Manishankar, AAG
assisted by Mrs.A.Srijayanthi
Special Govt. Pleader

COMMON ORDER

M.SATHYANARAYANAN, J.,

The facts leading to these litigations / cases are inter-wined and hence, all these cases are disposed of by this common order.

2 Review Application No.6/2014:-

[a] The 2nd respondent, viz., V.Natesan, has filed Review Application No.6/2014 and the 3rd party, viz., S.Sekar, filed Review

Application No.5/2014 to review the order dated 29.08.2012 in WP.No.23454/2012.

[b] The 3rd respondent in Review Application No.5/2014 and the 2nd respondent in Review Application No.6/2014, namely, Mr.P.Rajavel, has filed WP.No.23454/2012, praying for issuance of a writ of mandamus, directing the Collector of Namakkal District, to take action against the 2nd respondent therein/petitioner in Rev.ApIn.No.6/2014, namely, Mr.V.Natesan and consequently, to allow the residents of Konnaiyar Village, Tiruchengode Taluk, Namakkal District, to bury the dead bodies in the land in Survey No.174/2.

[c] It is the case of the writ petitioner, viz., Thiru.P.Rajavel, that he is an agriculturist, residing at Aalankattupudur, Konnaiyar Village, Tiruchengode Taluk, Namakkal District and he is also rendering social service for the welfare of the residents of the said village and according to him, the land in Survey No.174/2 has been classified as "Burial Ground" in the revenue records and the 2nd respondent, viz., V.Natesan – Applicant in Review Application No.6/2014, who is residing adjacent to the said land, started meddling with the use of the said land as a burial ground and also

committed an act of encroachment upon the said land. In this regard, a representation was submitted to the Local Body which also passed a Resolution in No.10/2012 dated 05.05.2012, permitting the residents of Konnaiyar Village, to use the land in S.No.174/2 as a burial ground and the Collector of Namakkal District, vide proceedings dated 03.07.2012 in Na.Ka.No.400/2012/Cep5, has also clearly indicated that the land in the said survey number, has been used as a burial ground and in exercise of powers under section 203 of the Tamil Nadu Panchayats Act, 1994, ordered renovation of the said land also. The grievance expressed by the writ petitioner is that despite the above said fact, no action has been taken against the encroacher, viz., Thiru.V.Natesan, and therefore, filed the above said writ petition as a Public Interest Litigation, directing the Collector of Namakkal District to take action against Mr.V.Natesan and allow the residents of Konnaiyar Village to bury the dead bodies in the land in Survey No.174/2.

[d] The Hon'ble First Bench of this Court, has disposed of the said writ petition at the admission stage itself on 29.08.2012, after taking note of the proceedings of the Collector of Namakkal District, dated

03.07.2012 and directed the said official to repair the burial ground and protect the same from the encroachers including the 2nd respondent viz., V.Natesan.

[e] The 2nd respondent in the said writ petition, viz., V.Natesan, aggrieved by the fact of disposal of the writ petition in the admission stage itself without notice to him, has filed Review Application No.6/2014. One Mr.S.Ayyavoo and 32 others, had also filed WMP.No.10732/2016 in WP.No.23454/2012 to implead themselves as a party, supporting the case of Mr.P.Rajavel, by contending that the land in Survey No.174/2 is still used as a burial ground. The then District Collector, Namakkal District, has filed an affidavit dated 24.11.2014, stating that the land in S.No.174/2 had never been used as burial ground, based on the Joint Inspection Report dated 05.11.2014. The applicant, viz., V.Natesan, also filed a Rejoinder dated 04.01.2016, to the affidavit of the Collector of Namakkal District dated 24.11.2014, stating that in the light of the stand taken by the said official, the order passed in WP.No.23454/2013 requires review.

3 Review Application No.5/2014:-

[a] The third party, viz., Mr.S.Sekar, has filed the above review application to review the order dated 29.08.2012 made in WP.No.23454/2012 on the ground that he has also filed WP.No.28098/2012 against the Collector, Namakkal District, The Panchayat President, Konnaiyar Village Panchayat, Rajavel – petitioner in WP.No.23454/2012 and the Assistant Divisional Engineer, Highways Department, Tiruchengode, praying for issuance of a writ of certiorarified mandamus to quash the impugned order dated 03.07.2012 passed by the Collector, Namakkal District, and the consequential proceedings dated 19.09.2013 and to direct the said official to pass fresh orders regarding the nature and classification of Survey No.174/2 of Alangattupudur in the light of the existing revenue records - "A" Register and the Panchayat Resolutions concerning the said land by taking into account G.O.Ms.No.213, Rural Development [C4] Department, dated 05.10.1999, after providing proper opportunity to all persons concerned.

[b] It is the case of the review applicant that as per the "A"

Register, S.No.174/2, is shown as Government Poramboke / Cart Track and as per the Local Body Resolution dated 15.08.2012, no burial ground is in existence in the said land and the jurisdictional Village Administrative Officer, has also given a Certification to that effect. The Highways Department also took a stand that the said land belongs to them and they had also taken steps to prevent the formation of the burial ground on the road side of the said land and that they also require the same for road widening. As per G.O.Ms.No.213, Rural Development [C4] Department, dated 05.10.1999 no place for burial ground shall be opened without obtaining license from the Local Body and admittedly, such a permission is yet to be obtained and the Report of the Revenue Divisional Officer, dated 05.03.2013 would also indicate that the said land is used only as a Cart Track and as such, the impugned order passed in WP.No.23454/2012 at the admission stage itself, warrants interference.

4 Contempt Petition No.2636/2013:-

[a] The petitioner in WP.No.23454/2012 – one of the respondents in the above said review applications, has filed a petition for contempt, alleging non-compliance of the order dated 29.08.2012, made

in WP.No.23454/2012 and it is his case that despite bringing to the knowledge of the Collector of Namakkal District about the final orders passed in the writ petition, no action has been taken to protect the burial ground in Survey No.174/2 and also to remove the encroachment made by Mr.V.Natesan.

[b] When Review Applications No.5 and 6/2014 were taken up for hearing, the learned counsel appearing for one of the respondents, viz., P.Rajavel [petitioner in WP.No.28780/2013] contended that in the light of the order dated 23.01.2013 made in WP.No.22260/2012 filed by V.Natesan, it is not open to the official respondents nor the private respondent to take a stand that the entire extent of land in Survey No.174/2 or part thereof, is not being used as burial ground.

[c] Mr.C.Manishankar, learned Additional Advocate General assisted by Mrs.Srijayanthi, learned Special Government Pleader contended that the counter affidavit filed in WP.NO.22260/2012 contained incorrect particulars and sought time to get instructions and to submit the particulars of the officials who are responsible for furnishing incorrect details for preparing such counter affidavit and accordingly, this Court

directed the listing of the matter on 23.06.2017.

[d] In pursuant to the same, the Collector of Namakkal District has filed a Memo dated 23.06.2017, enclosing the Letter of the Collector of Namakkal District, addressed to the learned Additional Advocate General – IV, furnishing particulars of the officials who made File Notings as well as the officials who prepared the counter filed by the then District Collector, Namakkal. It is relevant to extract the said details:-

List of Officials who made the File Notings in the order dated 03.07.2012:-

<i>Sl.No</i>	<i>Name of the Officials</i>	<i>Post Held</i>	<i>Period</i>	<i>Present Post</i>
1	Thiru J.Kumaragurubaran, IAS	District Collector, Namakkal	08.06.2011 to 07.09.2012 AN	Director, Information and Public Relations, Chennai 600009
2	Tmt.G.Malarvizhi	Assistant Director [Panchayats], Namakkal	20.01.2012 to 20.10.2013	Project Director/Joint Director, DRDA, Trichy
3	Thiru E.Sivaramakrishnaraj	Deputy Block Development Officer [Admn]	12.11.2011 to 14.11.2012	Block Development Officer [B.pt], Pallipalayam
4	Tmt M.Sudha	Junior Assistant	04.06.2009 to 25.08.2012	Deputy Block Development Officer [MGNREGS], Erumapatty Block, Namakkal District.

List of Officials who prepared the counter filed by the then District Collector Mr.D.Jagannathan in WP.No.22260/2012 before the Hon'ble High Court, Madras on 27.10.2012:-

<i>Sl.No</i>	<i>Name of the Officials</i>	<i>Post Held</i>	<i>Period</i>	<i>Present Post</i>
1	Dr.Thiru. D.Jagannathan, IAS	District Collector, Namakkal	07.0.2012 AN to 22.07.2013 FN	Managing Director, Tamil Nadu Text Book and Educational Services Corporation, Chennai
2	Tmt G.Malarvizhi	Assistant Director [Panchayats]	20.01.2012 to 20.10.2013	Project Director / Joint Director, DRDA, Trichy
3	Tmt P.Senthamilselvi	Assistant	14.01.2012 to 13.10.2014	Zonal Deputy Block Development Officer – Zone No.II, Kabilaramalai Block, Namakkal District.

[e] The respective learned counsel appearing for the review applicants would submit that admittedly, the order dated 29.08.2012 made in WP.No.23454/2012 came to be passed at the admission stage itself without any notice to Mr.V.Natesan – Review Applicant No.6/2014. It is the further submission of the learned counsel appearing for the Review

Applicant in Rev.ApIn.No.6/2014 that the petitioner filed WP.No.22260/2012, to quash the impugned order dated 03.07.2012 passed by the Collector of Namakkal District in Na.Ka.No.400/2012/Cep5 and in the said writ petition, Thiru D.Jagannathan, the then Collector of Namakkal District, has filed counter affidavit and took a stand that a Cart Track is in Survey Nos.174/2 and 266 and the villagers are using a part of S.No.174/2 as burial ground from time immemorial and only a part of S.No.174/2 is used as Cart Track and likewise, the remaining portion is used as burial ground and Mr.V.Natesan is making an attempt to encroach upon the said land. It is the submission of the learned counsel for the review applicants that in the light of the affidavit of Mr.V.Dakshinamoorthy, Collector of Namakkal District dated 24.11.2014 [treated as counter affidavit in Review Applications No.5 and 6/2014], the earlier stand taken by the predecessor that part of the land in S.No.174/2 is used as burial ground, is factually incorrect and a Division Bench of this Court, based upon the incorrect particulars, has erroneously dismissed the writ petition in WP.No.22260/2012 on 23.01.2013 and it is the further submission of the learned counsel appearing for the applicant in Rev.ApIn.No.6/2014 that subsequently, the encroachment made in

S.No.174/2, has also been removed and it is free of encumbrance. The learned counsel would further contend that a Joint Inspection Report of the Revenue Divisional Officer, Tiruchengode, Assistant Director [Panchayats], Namakkal and the Assistant Divisional Engineer, Highways Department, Tiruchengode, dated 05.11.2014, finally settles the issue for the reason that the said report came to be filed after Field Inspection based on the relevant revenue records and the report would indicate that the land in S.No.174/2 is being used as Cart Track and not as a burial ground and no records are also available as to the user of the said land as a burial ground and as such, the review applications are to be allowed and the contempt petition filed by Mr.P.Rajavel as well as the writ petition filed by him in WP.No.28780/2013, to implement the proceedings of the Collector of Namakkal District dated 20.08.2013, deserves dismissal.

5 Mr.C.Manishankar, learned Additional Advocate General assisted by Mrs.Srijayanthi, learned Special Government Pleader, appearing for the official respondents would submit that in the counter affidavit filed in WP.No.22260/2012, a serious factual mistake has crept in wherein, the then Collector of Namakkal District, based on the particulars furnished by the lower rank officials, took a stand that a part of the land in

S.No.174/2 is used as a burial ground. The learned Additional Advocate General has also drawn the attention of this Court to the affidavit dated

24.11.2014, filed by Mr.V.Dakshinamoorthy, Collector of Namakkal District, along with the enclosures and would submit that the said report came to be filed based on the Joint Inspection Report dated 05.11.2014, which would clearly indicate that the land in S.No.174/2 at any point of time, has been used as a burial ground and therefore, the stand taken by one of the respondents in the review applications / petitioner in the contempt petition / petitioner in WP.No.28780/2013, is wholly unsustainable.

6 *Per contra*, Mr.V.Subramanian, learned counsel appearing for M/s.Dass Associates appearing for Mr.P.Rajavel – one of the respondents in the Review Applications / petitioner in Cont.P.No.2636/2013 as well as in WP.No.28780/2013, would submit that the Collector of Namakkal District, being the Revenue Head of the District and in a responsible position, cannot take a contra stand and the resolution of the Local Body coupled with the earlier stand of the District Collector, Namakkal, would clearly indicate that the portion of the land in

S.No.174/2 is still being used as a burial ground and despite the order passed in WP.No.23454/2012 for ensuring the user of the said land for burial and allied purposes, the official respondents has shown scant respect and therefore, they should be punished appropriately and the prayer sought for by him in WP.No.28780/2013 is to be granted.

7 This Court has carefully considered the rival submissions and also scrutinised and scanned the materials placed before it.

8 The sole issue arises for consideration is, as to "whether the land in S.No.174/2 situate at Konnaiyar Village, Tiruchengode Taluk, Namakkal District, is being used / used as a burial ground or not?" as contended by the petitioner in contempt petition / the petitioner in WP.No.28780/2013 and one of the respondents in the Review Applications No.5 and 6/2014.

9 It is to be noted at this juncture that admittedly, WP.No.23454/2014 filed by Mr.P.Rajavel, came to be disposed of at the admission stage itself by the Hon'ble First Bench of this Court on 29.08.2012. It is to be further noted that Mr.V.Natesan was arrayed as

the 2nd respondent in the said writ petition and notice was not ordered to him and as such, he did not have any opportunity to refute/counter the averments made in the affidavit filed in support of the writ petition. The Hon'ble First Bench of this Court went by the submissions of the learned Government Pleader as to the proceedings dated 03.07.2012 of the Collector of Namakkal District, and directed the President of the Local Body to repair the Alankattupudur burial ground by using the village general fund.

10 In the light of the dispute with regard to the user of the said land in question and in pursuant to the direction issued by this Court, the learned Special Government Pleader, vide letter dated 21.10.2014, has requested the concerned officials to do the exercise and accordingly, a Joint Inspection Team was constituted consisting of the Revenue Divisional Officer, Tiruchengode, Assistant Director [Panchayats], Namakkal and the Assistant Divisional Engineer [Highways], Tiruchengode. The said team formed by the Collector of Namakkal District, had inspected the concerned places on 03.11.2014 and after inspection and scrutiny of the relevant records and after making enquiry with the public, submitted the following report and it is relevant to extract the same:-

"1 Regarding the first query raised by the Government Pleader that "to clarify whether S.No.174/2 is using as Cart Track or not or burial ground or not", from the enquiry it seems that no dead bod has been buried for the past so many years and no records available as to show that the impugned land has been used as burial ground and no signs are seen to that effect on the date of inspection.

2 Regarding the second query raised by the Government Pleader that the "S.No.117/2 and 96/13 is using as burial ground for the entire village and the S.No.174/2 is in a distance of how many kilo meter from thte Sno.117/1 and 96/13" it is submitted that the Konnaiyar village which consists of 17 Habitations and 5191 population as per 2011 Census and that people presently uses the following 10 places to bury or burn the dead bodies.

Sl.No	Survey No	Extent [in Hectares]	Classification as per "A" Register	Usage	Mostly used by people belonging to
1	96/13	0.31.0	Govt. Poramboke – Odai	Part – Burial Ground	Ayeethakuttai, Kattuvalavu
2	117/1	0.81.5	Govt.Porambok e – Cart Track & Burial ground	Part – Cart Track ; Part – Burial Ground	Sathya Nagar, Ayeethakuttai
3	199/3	0.68.0	Govt. Poramboke	Burial Ground	Elachipalayam, santhaipettai,

<i>Sl.No</i>	<i>Survey No</i>	<i>Extent [in Hectares]</i>	<i>Classification as per "A" Register</i>	<i>Usage</i>	<i>Mostly used by people belonging to</i>
			<u>Burial Ground</u>		Kattuvalavu
4	201/1	0.53.5	Govt. Poramboke <u>Burial Ground</u>	Burial Ground	Elachipalayam, Santhaipettai, Kattuvalavu
5	403/2	0.86.0	Govt. Poramboke – Pathway	Part-Pathway ; Part-Burial Ground [as per FMB sketch]	Nallampalayam
6	388/1	0.29.0	Govt.Porambok e <u>Burial Ground</u>	Burial ground	Nallampalayam [Arunthathiyars only]
7	481/3	0.09.0	Govt.Porambok e <u>Burial Ground</u>	Burial Ground	Sakkarampalayam
8	34/2	0.09.5	Govt.Porambok e <u>Burial Ground</u>	Burial Ground	Akkaraipattiyam palayam
9	103/2	.93.0	Govt.Porambok e Cart track	Part-Cart Track ; Part-Odai [as per FMB] but partly used as burial ground	Ayeethakuttai
10	78/1	0.26.0	Govt.Porambok e Cart Track	Part-Cart Track ; Part Burial ground [as per FMB sketch]	Ayeethakuttai [Arunthathiyars only]

Further, it seems that 82 families residing at

Ayeethakuttai village and they are using S.No.96/13 and 117/1 [which are classified as "Cart Track Poramboke"] for burying / burning dead bodies which are situated approximately 500 meters from the said village. Further the impugned land in S.No.174/2 is approximately situated one and half kilo meters away from Ayeethakuttai.

3 *Regarding the third query raised by the Government Pleader that "whether the disputed S.No.174/2 is already handed over to the Highways Department or not, if it is ready to handover to Highways Department for widening the road", it is submitted that no records are readily available with the Highways Department to ascertain the fact that whether the entire lands comprised in S.No.174/2 has been handed over to Highways Department or nt. No proposal has been sent from the Highways Department to widen the said ODR [other District Road] which runs between Konnaiyar and Morepalayam via Ramapuram.*

From the enquiry, it seems that there is a personal enmity between Mr.Rajavel and Mr.Natesan which resulted in various litigations and there is no public interest vested in this burial ground matter.

Sd/-
Assistant Director
[Panchayats],
Namakkal

Sd/-
Assistant Divisional
Engineer [Highways]
Tiruchengode

Sd/-
Revenue
Divisional
Officer,
Tiruchengode

11 The Collector of Namakkal District, viz., Thiru V.Dakshinamoorthy, has also filed a supporting affidavit dated 24.11.2014 to the above said Joint Inspection Report.

12 It is the categorical stand of the Collector of Namakkal District that as per his direction, the above said Joint Inspection Team was constituted and after making Field Inspection, enquiry with the public and on a perusal of the relevant records, it has been reported that no dead body has been buried for very many years in S.NO.174/2 and no records are available to show that the said land has been used as a burial ground and the people residing in Ayeethakuttai village, are using the lands in S.Nos.96/13 and 117/1 which are classified as Cart Track Poramboke / burying the dead bodies and for cremation purposes and the said lands are located approximately 500 meters from the said village and whereas the land in question in S.No.174/2 is approximately situated 1 ½ kilo metres away from the said village and the dispute is due to personal enmity between P.Rajavel and V.Natesan. The Collector of Namakkal District

along with the said affidavit, has also enclosed the letter of the President of Konnaiyar Village Panchayat, dated 11.11.2014, wherein it has been stated that in the event of the burial ground being located in S.No.174/2, the road cannot be expanded and therefore, requested not to use the said land for burial / cremation purposes. It is also noted at this juncture that the review application No.6/2014, viz., V.Natesan, filed WP.No.22260/2012 and it was entertained and interim orders were granted and the Collector of Namakkal District, who was arrayed as the 1st respondent, viz., Mr.D.Jagannathan, has filed the counter affidavit based on which, the writ petition came to be dismissed.

13 It was contended by the learned Additional Advocate General that the affidavit dated 27.10.2012 filed by Mr.D.Jagannathan, Collector of Namakkal District, was based upon incorrect particulars and therefore, this Court has directed the learned Additional Advocate General to get the details of the officials who are responsible for the said mistake, based on which, this Court has passed an order dated 23.01.2013 in WP.No.22260/2012 and accordingly, a Memo dated 23.06.2017, was filed indicating the list of officials who made File Notings.

14 This Court notes with regret that by filing the sworn counter affidavit before this Court, the deponent takes the responsibility as to the truth and contents of the averments and the counter affidavit is to

be filed based on the records. However, in the light of the incorrect particulars furnished to the Collector of Namakkal District, the said counter affidavit came to be filed, based on which this Court has dismissed the writ petitions.

15 The affidavit of the Collector of Namakkal District, dated 24.11.2014 sworn by Mr.V.Dakshinamoorthy, coupled with the Joint Inspection Report dated 05.11.2014, would clearly indicate that the land in S.No.174/2 never used as a burial ground and only the lands in S.Nos.96/13 and 117/1 which are located 500 meters away from the village, are used by the residents of Ayeethakuttai village for burying and cremation purposes.

16 The learned counsel for the contempt petitioner / petitioner in WP.No.23454/2012 and one of the respondents in Rev.ApIn.Nos.5&6/2014, made a valiant attempt by contending that the

Review Application No.6/2014 being an encroacher of the land in S.No.174/2, should not be permitted to advance his plea and in the light of the earlier stand take by the Local Body as well as the Collector of Namakkal District, the user of part of the land in S.No.174/2 as a burial ground, is to be protected and maintained.

17 However, this Court is of the view that the said submission lacks merit and substance in the light of the above stand taken by the Collector of Namakkal District in his affidavit dated 24.11.2014 which is based on the Report of the Joint Inspection Team dated 05.11.2014.

18 It is also brought to the knowledge of this Court that the encroachment committed by Mr.V.Natesan – Review Application No.6/2014, has also been removed and the interest of the Government over the land is fully protected.

19 In the light of the reasons assigned above,

[a] Review Applications No.5 and 6/2014 are allowed and the connected miscellaneous petitions are closed. Consequently,

WP.No.23454/2012 stands dismissed. No costs.

[b] Contempt Petition No.2636/2013 stands dismissed. No costs.

[c] WP.No.28780/2015 stands dismissed and the connected miscellaneous petitions are also dismissed. No costs.

20 A word of caution is given to the officials, who sworn to counter affidavits in litigations in the light of the infirmities pointed out in the earlier paragraphs as to the incorrect particulars furnished in the counter affidavit in WP.No.22260/2012.

21 The Heads of Department as well as the supervising officials shall ensure that the parawar remarks are furnished after thorough and proper verification of the records and the contents of the counter affidavits shall also be supported by records. The officials pointed out in the Memo of the Collector of Namakkal District, dated 23.06.2017 filed in Cont.P.No.2636/2013 ; Rev.Appln.Nos.5&6/2013 and WP.No.23454/2012, shall be administered with warning for the purpose of ensuring that no such mistakes shall occur in future.

[R.P.S., J]

[M.S.N., J.]

12.07.2017

Index : No
Internet : Yes
AP

To

- 1.The District Collector,
District Collectorate, Namakkal.
- 2.Mr.V.Dhakshanamoorthy
The District Collector
O/o.The Collectorate
Namakkal District.
- 3.The Assistant Director
Rural Development Department
O/o.The Rural Development Department
Namakkal.
- 4.The Block Development Officer
Elachipalayam, Namakkal District.
- 5.The President
Konnaiyar Village
Tiruchengode Taluk, Namakkal District.

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R.SUBBIAH, J
AND
M.SATHYANARAYANAN, J.,
AP



Common Order in
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