

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:22.12.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

W.P.No.33699/2017

Annalakshmi

... Petitioner

Vs

1. The District Collector,
Villupuram District.
Villupuram.

2. The Tahsildar,
Villupuram Taluk,
Villupuram District.

3. The Block Development Officer,
Koliyanur Taluk,
Villupuram District.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus the respondents from evicting or dispossessing the petitioner's possession of land situated in Survey No.128, Verattikuppam Village, Villupuram District adjacent to patta land in Survey No.54.

For Petitioner

: Mr.L.Chandra Kumar

for Mr.T.K.Saravanan

For Respondents

: Mrs.A.E.Rani Selvam, AGP

ORDER

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

By consent, the writ petition is taken up for final disposal. Mrs.M.E.Rani Selvam, learned Additional Government Pleader accepts notice on behalf of the respondents.

2 The petitioner claims to be the owner of the agricultural land admeasuring to an extent of 35 cents comprised in S.No.54/1B, 54/11B, 54/12B and 54/10B of Verattikuppam village, Villupuram District and there is an adjacent land which is classified as "Eri Poramboke" in S.No.128 and her predecessors had encroached upon the same and started doing agricultural operations and B-Memo has also been issued. According to the petitioner, though the said land is classified as "Eri Poramboke", it is not put to the said use. The grievance expressed by the petitioner is that all of a sudden, to her shock and surprise, the 2nd respondent along with the 1st respondent, had entered the said property illegally on 12.12.2017 and started destroying the crops by using JCP Poclain machine. The petitioner in this regard, has submitted a representation dated 12.12.2017 and despite, receipt and acknowledgment, attempts are being made to

dispossess the petitioner from the land in question unlawfully and hence, the petitioner came forward to file the present writ petition.

3 Mr.L.Chandrakumar, learned counsel for the petitioner has drawn the attention of this Court to the typed set of documents, especially the photographs available at pages No.8 and 9 and would submit that the petitioner's predecessors had encroached upon the said land in S.No.128 and started cultivating crops and all of a sudden, without any notice, the respondents 1 and 2 have destroyed some portion of the standing crops and would further add that if at all the respondents want to remove the encroachment in S.No.128, which is classified as "Eri Poramboke ", the remedy open to them is to invoke either the provisions of the Tamil Nadu Land Encroachment Act, 1905 or the provisions of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 and the rules framed thereunder and without doing that, the respondents are acting in a high handed manner and attempting to dispossess the petitioner through unlawful means and hence, the petitioner is constrained to approach this Court by filing the above writ petition.

4 The Court heard the submissions of Mrs.M.E.Rani Selvam, learned Additional Government Pleader appearing for the respondents 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 one more representation to the respondents 2 and 3 along with a copy of this order and also enclosing the relevant and

authenticated documents as to the long possession and cultivation within a period of two weeks from the date of receipt of a copy of this order and the respondents 2 and 3, upon receipt of the same, is directed to consider the said representation on merits and in accordance with law and pass appropriate orders within a further period of eight weeks thereafter and communicate the decision taken, to the petitioner and till such time, the respondents 2 and 3 shall defer further decision with regard to the removal of the encroachment of the land in S.No.128, at Verattikuppam Village, Villupuram Taluk and District. It is made clear that till the disposal of the representation by the respondents 2 and 3, the petitioner shall not create any third party rights in respect of the land in question.

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

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

AP
To

1. The District Collector,
Villupuram District.
Villupuram.
2. The Tahsildar,
Villupuram Taluk,
Villupuram District.
3. The Block Development Officer,
Koliyanur Taluk,
Villupuram District.

+1cc to Mr.T.K.SARAVANAN, Advocate, S.R.No. 91937
+1cc to the Government Pleader, S.R.No. 92480

W.P.No.33699/2017

TR(17/01/2018)