

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2017

CORAM

THE HONOURABLE Mr.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE Mr.JUSTICE N.SESHASAYEE

W.P.No.14952 of 2017

T.Mani Arasu

... Petitioner

Vs.

1.The Government of Tamil Nadu
Represented by Secretary,
Revenue Department,
Fort St.George,
Chennai - 600 009.

2.The District Collector
Office of the Collectorate,
Cuddalore - 607 001.

3.The Tahsildar,
Bhuvanagiri Taluk,
Bhuvanagiri,
Cuddalore District.

4.Valarmathi

5.Jayaraman

6.Raghunathan

7.Senthanakumari

8.Ramalingam

9.Kaliyan

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the authorities viz., respondents 2 & 3 herein to consider the petitioner's representation dated 21.01.2017 and initiate action for the removal of the encroachers from the lands measuring 5.92 acres comprised in Surve No.60/6, Ariyaghosti Village, Bhuvanagiri Taluk, Cuddalore District and issue patta in favour of the petitioner and pass necessary orders on the said representation in accordance with law.

For Petitioner : Mr.T.Velumani
For Respondents : Mr.R.Vijayakumar
Additional Govt. Pleader [R1 to R3]
Special Govt. Pleader

O R D E R

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

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

2. It is the claim of the petitioner that his father Mr.K.Thangavelu Pillai had participated in freedom struggle and was also a member of the Indian National Army and recognizing his contribution to the freedom struggle, Government of India has ordered assignment of land ad-measuring to an extent of 5.92 acres comprising in Survey No.60/6 in Ariyaghosti Village, Bhuvanagiri Taluk, Cuddalore District and his father has taken possession of the same and started cultivating lands. However, the petitioner would contend that his father has not been issued with any separate patta and in this regard, his sister Mrs.G.Nirmala had approached this Court by filing a writ petition in W.P.No.29904 of 2011 praying for consideration and disposal of the representation dated 22.08.2011, for issuance of patta in respect of the land admeasuring to an extent of 5.92 acres in Survey No.60/6 in Ariyaghosti Village, Bhuvanagiri Taluk, Cuddalore District. This Court, vide order dated 23.12.2011, has directed the Collector, Cuddalore District to consider and dispose of the representation dated 22.08.2011, within a stipulated time. Despite such positive direction, no orders have been passed.

3. Mr.T.Velumani, learned counsel appearing for the petitioner would submit that private respondents had encroached upon some portion of the lands assigned by the Government in favour of his father and in this regard, they have submitted representation on 19.07.2016 to the respondents and based on it, notice under Section 7 of the Land Encroachment Act, 1902, have been issued to the encroachers and it seems no progress is taking place and therefore, approached this Court by praying for disposal.

4. Mr.R.Vijayakumar, learned Additional Government Pleader appearing on behalf of the respondents 1 to 3 has drawn the attention of this Court to the counter affidavit of the second respondent and would submit that the assignments put forth by the first respondent is under consideration and on examination of records, it is found that the father of the petitioner is not

assigned with land in the said Survey No.60/6, as contended by the petitioner, and action is being taken against the seven encroachers and due process of law will be followed.

5. This Court has considered the rival submissions and perused the materials on record.

6. It is the categorical stand of the learned counsel appearing for the petitioner that the petitioner's father is issued with assignment patta. But the said fact is refuted by the third respondent. Be that as it may, this Court, vide order dated 23.12.2011 in W.P.No.29904 Of 2011 filed by the sister of the petitioner, to direct the Collector, Cuddalore District, to consider the representation dated 22.08.2011 and issue patta for the land admeasuring to an extent of 5.92 acres in Survey No.60/6 in Ariyaghosti Village, Bhuvanagiri Taluk, Cuddalore District and therefore, this Court, directs the second respondent to take appropriate action in compliance of the said order and as far as the removal of the encroachments of private respondents are concerned, the third respondent is directed to follow due process of law and after putting them on notice shall take appropriate steps to evict them, as expeditiously as possible and not later than three weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as the private parties.

7. The writ petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

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सत्यमेव जयते
Sub Assistant Registrar

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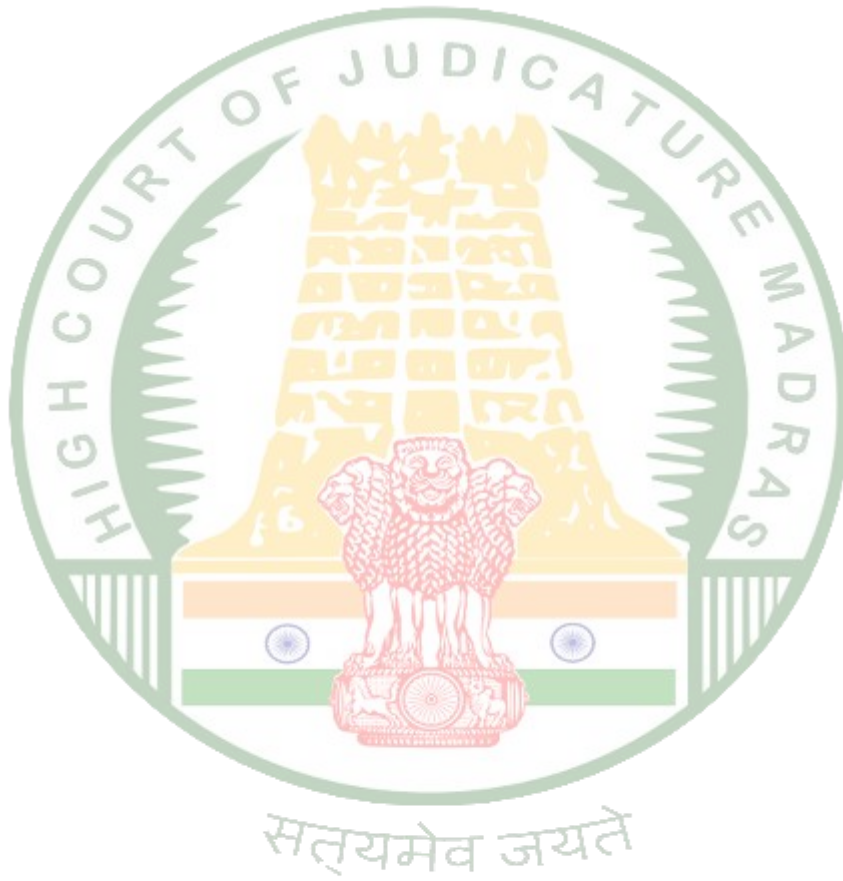
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SJ(CO)
GN(16/08/2017)



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