

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:10.07.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

W.P.No.17381/2017

P.Rajendran

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Petitioner

Vs

1.The Secretary

State of Tamil Nadu
Land & Revenue Department
Fort St George, Chennai 600009.

2.The District Collector

Kancheepuram District, Kancheepuram.

3.The Revenue Divisional Officer

Chengalpattu Division, Chengalpattu
and Taluk, Kancheepuram District.

4.The Land Acquisition & Special Tahsildar

[SCW], Thiruporur and Taluk
Kancheepuram District.

5.The Project Officer

SIPCOT IIT Park, Egattur Village
Chengalpattu Taluk, Kancheepuram District.

6.The Tahsildar

Thiruporur Taluk
Kancheepuram District.

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Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondents to re-deliver the possession of the petitioner's house property, wrongly demolished and acquired by the respondents as survey No.128, instead of 126, situated at Egattur village, Thiruporur Taluk [formerly Chengalpattu Taluk], Kancheepuram District comprised in Survey No.126, to an extent of 0.34 ½ cents and consequently direct the 6th respondent issue patta to the petitioner on the basis of the petitioner's representation dated 16.06.2017.

For Petitioner : Mr.R.Thanjan
For RR 1 to 4 & 6 : Mr.R.Vijayakumar, AGP

ORDER

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

By consent, the writ petition is taken up for final disposal. Mr.R.Vijayakumar, learned Additional Government Pleader accepts notice on behalf of the respondents 1 to 4 and 6.

2 The grievance expressed by the petitioner is that though he is in possession of the lands admeasuring to an extent of 15060 sq.ft., [0.34.54 cents] in Survey No.126, Egattur Village, Thiruporur Taluk, Kancheepuram District, for a considerable period, under the guise of removing the encroachment in accordance with the provisions of the Tamil Nadu Land Encroachment Act, 1905, in respect of the lands in Survey No.128, the respondents had erroneously

demolished a small building put up in S.No.126 by the petitioner and the petitioner has been dispossessed and hence, came forward to file the present writ petition.

3 The learned counsel for the petitioner would submit that in stead of removing the encroachment in Survey No.128, the revenue officials had wrongly disturbed the possession of the petitioner's land and superstructure in Survey No.126 and in this regard, the petitioner has submitted a representation dated 16.06.2017 to the respondents 2 to 6 and despite receipt and acknowledgment, his grievance is yet to be addressed and hence, the petitioner is constrained to approach this Court by filing the present writ petition.

4 *Per contra*, Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the respondents 1 to 4 and 6 would submit that the possession of the lands have been taken strictly in accordance with law and the representation submitted by the petitioner will be considered and disposed of on merits and in accordance with law within the stipulated time.

5 This Court has considered the rival submissions and also perused the materials placed before it.

6 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 6th respondent to put the 5th respondent on notice and thereafter, shall consider and dispose of the petitioner's representation dated 16.06.2017 on merits and in accordance with law and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the 5th respondent herein.

7 The writ petition stands disposed of with the above direction. No costs.

[M.S.N., J.,] [N.S.S., J]

10.07.2017

Index : No
Internet : Yes

AP

To

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M.SATHYANARAYANAN, J.,

AND

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