

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2017

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.38238 of 2016

J.Suscula

... Petitioner

Vs

1.The District Collector
Government of Puducherry
Puducherry.

2.The Director
Land and Survey Department
Government of Puducherry
Puducherry.

3.The Sub-Collector (South)
Government of Puducherry
Villianur, Puducherry.

4.The Thasildar
Revenue Department
Government of Puducherry
Villianur, Puducherry.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus directing the respondents to remove the lock put up in the house comprised in Resurvey No.108/2, Pillaiyar Koil Street, Sanyasikuppam Village situate within the Thirukanoor Sub District and Pondicherry Registration District within a stipulated time.

For Petitioner

: Mr.R.Bharath Kumar

For Respondents

: Mr.C.T.Ramesh
Additional Government Pleader
(Puducherry)

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The petitioner has approached this Court alleging that the respondents in a high-handed and arbitrary manner have locked the house through the fourth respondent without any notice for removal of encroachment.

2. We had issued notice and counter affidavit has been filed by the fourth respondent/Tahsildar. The facts set out in the counter affidavit show otherwise.

3. What emerges is that the petitioner and her heirs with the intention to occupy and encroach on public land sought to build a compound wall covering an extent of 4304 Sq. Ft. in Sanniyasikuppam Revenue Village. The site is vacant and does not have any house or structure which could have accommodated the petitioner and her family. The land in question is categorized as "Vandi Pathai" and since even after notice to the son of the petitioner, who was constructing the wall, the same was not stopped, action was taken by the authorities concerned.

4. It is quite apparent that the endeavour is to grab public land by giving it a colour of place of residence of the petitioner, which actually it is not. The wall was being constructed towards that object and despite notice, the construction was not stopped. Thus, it is the land grabber who seeks to come to Court and further seeks protection under Article 226 of the Constitution of India by falsely alleging that it is the residential abode of the petitioner.

In view of the aforesaid, the petition is dismissed. No costs. Consequently, W.M.P.No.32786 of 2016 is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To:

1.The District Collector
Government of Puducherry
Puducherry.

2.The Director
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Government of Puducherry
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3.The Sub-Collector (South)
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Villianur, Puducherry.

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Revenue Department
Government of Puducherry
Villianur, Puducherry.

+1cc to Mr.R.Bharath Kumar, Advocate, S.R.No.405

+1cc to the Public Prosecutor(Puducherry), S.R.No.163

W.P.No.38238 of 2016

SKV(CO)
CA(11/01/2017)



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