

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 07.02.2018

Coram

THE HONOURABLE Mr. JUSTICE M.VENUGOPAL
AND
THE HONOURABLE Mr. JUSTICE S.VAIDYANATHAN

W.P.No.903 of 2018 and
W.M.P.no.2822 of 2018

Kaliaperumal .. Petitioner

Vs.

1. The Revenue Divisional Officer,
Chidambaram

2. The Tahsildar,
Chidambaram

.. Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus directing the Respondents to pass orders upon the representation dated 01.09.2017 given by the Petitioner.

For Petitioner : Mr.M.Prakash

For Respondents : Mr.A.N.Thambidurai
Special Government Pleader

O R D E R

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

Heard both sides.

2. According to the Petitioner, he is not aware of the fact that the site in question, is classified as 'Poramboke Property' and he was under the mistaken impression that the property was a private property and therefore, he came to occupy it. To the Petitioner's shock and demise, the 2nd Respondent had caused a notice dated 29.06.2015 to him, through Village Administrative Officer, Chidambaram (Municipal) stating that his occupation of the site was improper. It appears that the Petitioner had not paid penal charges and therefore, he was required to vacate from the property in question within 15 days.

3. The main grievance of the Petitioner is that the notice dated 29.06.2015 was not sent to the proper address, but, it was served on him only on 13.05.2016. Furthermore, a reply was issued by him on 25.05.2016 through an Advocate. The Petitioner's case is that he does not own any house in Chidambaram and that he had spent huge amount for repair and maintenance of building. In fact, he offered to pay the value of the site and purchased it from the Government. Moreover, he does not require any free patta from the Government or from any other concerned authority.

4. At this juncture, the Learned Counsel for the Petitioner contends that if the site, viz., T.S.No.803, 3483 Square feet in Kamakshi Amman Koil Street, Chidambaram bearing Door No.18/6, is sold to the Petitioner, then, the Government will get few Lakhs of Rupees towards sale consideration of the site and the same will be of use to the Government.

5. Further, the Learned Counsel for the Petitioner points out that the 2nd Respondent had not given any reply for the objection / representation made by the Petitioner through his Advocate on 25.05.2016 and hence, the Petitioner had sent representation dated 01.09.2017 (but signed on 05.09.2017) addressed to the Respondents reiterating his offer to purchase the site in question for a valuable guideline consideration.

6. It is not in dispute that the Petitioner was originally issued with the notice dated 29.06.2015 stating that the Survey No.803/- measuring an extent of 3483 square feet is a 'Poramboke Land' and that he was required to vacate from the said place and to handover the vacant site. In fact, the said notice dated 29.06.2015 was issued to the Petitioner through the Chidambaram Municipal, Village Administrative Officer, but the stand of the Petitioner is that he received the notice only on 13.05.2016 and had sent a reply notice through his advocate on 25.05.2016. Besides that, he had submitted a representation on 01.09.2017, wherein he had sought for handing over of the vacant site bearing T.S.No.803, Government Poramboke in Survey No.3483 Square feet (in which he is residing) to and in his favour for a valuable sale consideration by means of an execution of sale deed by the concerned authority of the Revenue Department.

7. In view of the fact that the Petitioner's occupation of the site in T.S.No.803 measuring an extent of 3483 square feet in Kamatchi Temple, Chidambaram District is not owned by the Petitioner and same is classified as 'Poramboke property' in the Revenue Records maintained by the Respondents, this Court is of the considered view that the Petitioner, residing in the said site for more than 30 years, will not enure to the benefit of the Petitioner.

8. As a matter of fact, the Petitioner is to vacate from T.S.No.803/- , Kamatchi Amman Koil Street, Chidambaram, for which Notice was originally issued and also purported reply of an Advocate was issued to the Concerned Authority and later, a representation was also made on 01.09.2017, seeking the relief of requiring the Revenue Authority to part with the property for a valuable consideration, could not be countenanced and also not acceded to by this Court because of the simple reason already pointed out by this Court that the Petitioner is not admittedly, the owner of the property and at the risk of repetition, this Court, repeatedly points out that the property measuring an extent of 3483 square feet in Survey No.803 belongs to Government, as such, the Petitioner has no right to reside in the said site or to squat on the property, which does not belong to him and in fact, which belongs to Government and the property in question is classified as 'Poromboke Land'. Accordingly, this Court, directs the Petitioner to vacate from the site bearing Survey No.803 measuring an extent of 3483 square feet within a period of four weeks from the date of receipt of a copy of this Order. Till such time, the possession and enjoyment of the property by the Petitioner shall not be disturbed by any one. If the Petitioner is not endeavouring to vacate from the site in question, then, it is open to the Respondents to seek police aid, if situation so warrants / if need be.

With the above direction(s), this Writ Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

-Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

To

1. The Revenue Divisional Officer,
Chidambaram

2. The Tahsildar,
Chidambaram

- 1 cc to Mr.Prakash, Advocate Sr.No.9951
- 1 cc to The Government Pleader Sr.No.9770

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KP 28/02/2018