

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :06.08.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 6058 of 2018 and
WMP.No.7471 of 2018

N.Kothandaraman

..Petitioner

vs

1. The District Collector,
Villupuram District,
Villupuram.
2. The Tahsildar,
Vikravandi Taluk,
Villupuram District.
3. The Superintendent of Police,
Villupuram District, Villupuram.
4. The Deputy Superintendent of Police,
Gingee, Villupuram District.
5. The Inspector of Police,
Kanjapur Police Station,
Villupuram District.
6. Mrs.Jayanthi
7. Sekar
8. Valli
9. Santhosh
10. Adhilakshmi
11. Baladandaydam
12. Ramadoss
13. Ravi
14. Kesavan

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue appropriate WRITS, ORDERS or order or direction or in the nature of WRIT OF MANDAMUS forbearing the respondents 3,4,5 from interfering from his possession and enjoyment of the House site namely 1872 Sq.Ft comprised in Grama Natham survey no.451/22, situated at Anniyur Village, Vikravandi Taluk, Villupuram District.

For Petitioner : Mr.M.Gnanasekar
For Respondents : Mrs.A.Sri Jayanthi
Special Government Pleader for
R1 to R5
Mr.M.Sivakumar for R10 to R12
Mr.C.Prabakaran for R6 to 9

O R D E R

The relief sought for in this writ petition is to forbear the respondents 3,4,5 from interfering from the petitioner's possession and enjoyment of the House site namely 1872 Sq.Ft comprised in Grama Natham survey no.451/22, situated at Anniyur Village, Vikravandi Taluk, Villupuram District.

2. The writ petitioner states that he is in possession and enjoyment of the land which is classified as 'Grama Natham'. Therefore, the petitioner is entitled for Patta in respect of the said portion of land which is in his occupation.

3. The grievance of the writ petitioner is that the respondents 6 to 14 are interfering with the peaceful possession and enjoyment of the writ petitioner in respect of the property. Thus, the writ petitioner is constrained to move this Court under Article 226 of the Constitution of India.

4. The learned Special Government Pleader appearing for the official respondents 1 to 5 opposed the contention by stating that the writ petitioner himself is an encroacher and he is in occupation of the 'Grama Natham Land' and no Patta has been granted. The learned Special Government Pleader is of an opinion that the Government lands cannot be encroached in routine manner. The Patta can be granted only by way of policy decision by the Government and by providing equal opportunity to all poor people who are eligible to get such a Patta. However, no such Patta has been granted by the competent authorities either to the petitioner or to the respondents 6 to 14.

5. The learned counsel appearing for the contesting respondents 6 to 14 states that the respondents are in

possession of the property and the writ petitioner is not in possession of the property and no Patta has been granted in favour of the writ petitioner.

6. This Court is of an opinion that it is the duty mandatory on the part of the respondents 1 and 2 to ensure that the Government lands are protected in all respects. Encroachers of the Government lands are to be evicted by following the procedures contemplated under the provisions of the Tamil Nadu Land Encroachment Act, 1905. A Patta cannot be granted to the encroachers in a routine manner. The authorities competent are bound to inspect the land in question by verifying the revenue records and thereafter if it is found that there is an encroachment, then they are bound to follow the procedures and evict all these encroachers, who are in illegal occupation of the public lands.

7. The 1st respondent, District Collector is directed to conduct a review meetings regarding all such encroahments in Villupuram District and issue suitable orders to all the subordinate officials to remove all encroachments in respect of the public lands. Periodical review meeting in this regard are to be convened by the District Collector to ensure that the Government lands are protected and be used for the public purposes. All encroachers are to be evicted without any leniency or misplaced sympathy. In respect of the rights of the writ petitioner, if they have any valid title or otherwise, it is left open to the parties to establish the issues before the competent Civil Court of law. However, the respondents 1 and 2 are bound to verify the revenue records and if the land in question is the public land, then they are bound to initiate eviction proceedings under the provisions of the Tamil Nadu Land Encroachment Act, 1905 by issuing notice to the parties concerned.

8. In this regard, the respondents 1 and 2 are directed to take immediate action within a period of four weeks from the date of receipt of a copy of this order. However in respect of the relief sought for in this writ petition, this Court cannot issue any such direction forbearing the respondents from interfering with the peaceful possession and enjoyment of the property and if the writ petitioner claims any other right, it is left open to the petitioner to approach the competent Civil Court of law. Thus, the claim as such cannot be considered.

9. Accordingly, writ petition stands dismissed. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Deputy Registrar

// True Copy//

Sub Assistant Registrar

To

1. The District Collector,
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Villupuram.
2. The Tahsildar,
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3. The Superintendent of Police,
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4. The Deputy Superintendent of Police,
Gingee, Villupuram District.
5. The Inspector of Police,
Kanjapur Police Station,
Villupuram District.

+1cc to Mr.m.Gnanasekar, Advocate SR.No.54297
+1cc to Government Pleader SR.No.54422

SMI/29.08.2018

W.P.No.6058 of 2018

सत्यमेव जयते

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