

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.04.2018

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

WP.No.8313/2018 & WMP.Nos.10282 & 10283/2018

M.C.Seenu

Petitioner

Versus

1.The District Collector
O/o.The District Collector
Tiruvallur District.

2.The Tahsildar
Gummidiponndi Taluk Office
Gummidipoondi,
Tiruvallur District.

3.R.Abhiraman

Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 and 2 to clear all sort of encroachment and secure and protect the Government grazing land and water sources in Survey No.375, 402 and 408 of Melmudhalambedu Village, Gummidipoondi.

For Petitioner : Mr.A.P.Suryaprakasam
For R1 & R2 : Mrs.M.Lalitha

ORDER

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

By consent, the writ petition is taken up for final disposal. Mrs.M.Lalitha, learned Government Advocate accepts notice on behalf of the respondents 1 and 2.

2 The writ petition is styled as Public Interest Litigation filed by the petitioner who claims that he is the poor agriculturist and his annual income is Rs.70,000/- and he is not an income tax assessee. According to the petitioner, as per the Revenue/Village Records, the lands comprised in S.Nos.394, 396, 398, 375, 402, 412, 413 and 416 of Melmudhalampedu Village, Gummidipoondi Taluk, Tiruvallur District, are classified as "Meikkal Poramboke" [Grazing Poramboke] and the 3rd respondent had encroached upon the said land and started clearing earth for the purpose of manufacturing and running Brick kilns and now, he has started mineral sand unit also without any proper permission or authorisation. The petitioner, on an earlier occasion, filed WP.No.35347/2016 against respondents 1 and 2 herein as well as against the District Revenue Officer, Tiruvallur District and the Revenue Divisional Officer, Ponneri Taluk and Tahsildar, Gummidipoondi Taluk as well as the 3rd respondent herein, to consider and dispose of his representation dated 04.06.2016, wherein he made similar allegations and this Court, vide order dated 05.10.2016, has directed the Collector of Tiruvallur District to consider and dispose of the said representation after notice to all concerned within a period of three months from the date of receipt of a copy of that order and despite such a direction no action has been taken so far and thereafter, the petitioner has submitted one more representation dated 10.03.2018 in that regard and even after receipt and acknowledgment of the same, no action has been taken so far and hence, the petitioner is constrained to approach this Court by filing the present writ petition.

3 The learned counsel for the petitioner has drawn the attention of this Court to the Village/Revenue Records and would submit that the said lands are classified as "Meikkal Poramboke" and therefore, it cannot be allowed to be encroached and exploited for commercial purposes and prays for appropriate orders.

4 The Court heard the submissions of Mrs.M.Lalitha, learned Government Advocate for respondents 1 and 2 and also perused the materials placed before it.

5 Though the petitioner has prayed for a larger relief, this Court, taking into consideration, the above facts and circumstances and without going into the merits and claim projected by the petitioner either in his representation or in this writ petition, directs the **2nd respondent*** to cause inspection of the lands in S.Nos.394, 396, 398, 375, 402, 412, 413 and 416, after putting the petitioner ; the 3rd respondent and other person/s, if any, concerned on notice, within a period of six weeks from the date of the receipt of a copy of this order and depending upon the survey and inspection, shall take appropriate action in accordance with law within a further

period of ten weeks thereafter and communicate the decision taken, to the petitioner as well as to the 3rd respondent herein as well as to the person/s concerned.

6 The writ petition stands disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IX)
dt. 23.04.2018

Corrected as per the order
of this court dated 26.6.2018
made in WP.NO.8313 of 2018

Sd/-
Assistant Registrar(CS-IX)
dt. 4.7.2018

//True Copy//

Sub Assistant Registrar

AP

To

1.The District Collector
O/o.The District Collector
Tiruvallur District.

To be substituted to the order
already despatched
on 11.5.2018

2.The Tahsildar
Gummidiponndi Taluk Office
Gummidipoondi,
Tiruvallur District.

+1cc to Government Pleader SR.No.26764

+1cc to Mr.A.P.Suryaprakasam, Advocate Sr.No.26117

SS(CO)
sm:24.4.2018
EU 4.7.2018.

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W.P.8313/2018