

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 26.04.2018
CORAM
THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.9602 of 2014
and
M.P.No.1 of 2014

K.P.N.Kumaran

..Petitioner

..Vs..

1.The District Collector,
Kancheepuram District,
Kancheepuram.

2.The Tahsildar,
Sriperumbudur Taluk,
Sriperumbudur,
Kancheepuram District.

3.The Revenue Inspector,
Padappai,
Sriperumbudur Taluk,
Kancheepuram District.

4.The Village Administrative Officer,
Salamangalam Village,
Sriperumbudur Taluk,
Kancheepuram District.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus, forbearing the respondents or their subordinates or anybody acting under them from dispossessing the petitioner from the land measuring 40 Cents comprised in S.No.226/2 of Salamangalam Village, Sriperumbudur Taluk, without following the procedures established under law.

For Petitioner : Mr.Muniruddin Sheriff

For Respondents: Ms.K.Buvaneswari

Additional Government Pleader

ORDER

The relief sought for in this writ petition is to forbear the respondents or their subordinates or anybody acting under them for dispossessing the petitioner from the land measuring 40 cents comprised in S.No.226/2 of Salamangalam Village,

Sriperumbudur Taluk, without following the procedures established under law.

2.The learned counsel appearing on behalf of the writ petitioner fairly made a submission that the writ petitioner is not the owner of the land in question. Further, the learned counsel submitted that the writ petitioner is in possession of the said land for a considerable length of time, and therefore, the petitioner need not be dispossessed without following the due process of law.

3.The learned Additional Government Pleader appearing on behalf of the respondents made a submission that an action under the provisions of the Encroachment Act, 1905, had already been taken, and notice was issued under the provisions of the Act to the writ petitioner. The said encroachment notice is enclosed in page No.13 and 15 of the typed set of papers filed along with the writ petition. The petitioner also submitted his objections in respect of the notice issued under the provisions of the Encroachment Act, 1905. Thus being the factum, the respondent had followed the process of law and there is no infirmity as such.

4.This Court is of an opinion that the writ petitioner is in possession of a vast extent of 40 cents of land more specifically in Kancheepuram District. It is now a valuable property belongs to the Government. The said being the case, the authorities should take immediate steps to evict all the encroachers in respect of the Government land. The Revenue Officials ought to be vigilant in respect of protection of the public lands. The public lands ought to be utilised for the welfare of the public schemes and for interest of the public. The encroachment of Government lands are to be evicted without any further delay. The Authorities Competent are bound to act immediately for the purpose of eviction of all these encroachments made by the following procedures contemplated under the Encroachment Act, 1905.

5.The District Collector, Kancheepuram District has to conduct a periodical review meeting in respect of eviction of the encroachers of Government land. If any failure on the part of the Revenue Officials are to be viewed seriously. The District Collector in this regard is directed to initiate appropriate disciplinary actions against the Revenue Officials, who are committed negligence of duty in preserving of public lands. Thus, the District Collector has to look into the files personally in respect of the encroachment and initiate appropriate action for the eviction of encroachers as well as to initiate appropriate proceedings against the Revenue Officials,

who are not acting in accordance with law promptly and committing a misconduct of dereliction of duty and negligence. This being the view of this Court, the writ petitioner being an encroacher has not established even a semblance of right so as to consider the present writ petition.

6. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS VII)

//True copy//

Sub Assistant Registrar

KP

To

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. The Tahsildar,
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Sriperumbudur,
Kancheepuram District.
3. The Revenue Inspector,
Padappai,
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Kancheepuram District.
4. The Village Administrative Officer,
Salamangalam Village,
Sriperumbudur Taluk,
Kancheepuram District.

+1cc to Mr.M.Rajavelu, Advocate SR.No.32009
+1cc to Government Pleader SR.No.31783

W.P.No.9602 of 2014

NA (CO)
GN (22/05/2018)