

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
and
THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.20773 of 2018

D.Masilamani

... Appellant

vs.

1.The District Collector,
Thiruvannamalai District.

2.The Thasildhar,
Thiruvannamalai Taluk,
Thiruvannamalai District.

3.The Block Development Officer,
Thiruvannamalai District.

4.The Special Officer,
Salaiyanoor Village,
Thurinjapuram Taluk,
Thiruvannamalai District.

5.Dhuraimurugan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the third respondent to consider the petitioner's representation dated 30.07.2018 and further direct the third respondent not to demolish the house constructed in "Chief Minister Solar Power Green House Scheme (Pasumai Veedu)"

For Petitioner : Mr.S.Silambu Selvan

For Respondents : Mr.P.S.Sivashanmuga Sundaram,
Special Government Pleader for 1 to 4

O R D E R

(Order of the Court was made by HULUVADI G. RAMESH, J.)

Heard Mr.S.Silambu Selvan, learned counsel for the petitioner; Mr.P.S.Sivashanmuga Sundaram, learned Special Government Pleader for the respondents 1 to 4 and perused the

materials available on record.

2. According to the petitioner, the lands in Survey Nos.150 (10-B), 150 (10-F), 150 (10-I), 150 (7-A) in Salaiyanoor Village, Thiruvannamalai District belongs to his mother Kasthuri and in a corner of the agricultural land, she had constructed a house under "Chief Minister Solar Power Green House Scheme", after obtaining permission from the fourth respondent in its Resolution dated 02.10.2012.

3. The petitioner would further state that construction was completed in the year 2012. Since then, he has been in possession and enjoyment of the house. While so, at the instigation of some persons, who were enimical with the the petitioner, the second respondent had taken steps to demolish the house stating that it was constructed in an agricultural land and the third respondent gave a notice dated 18.07.2018. Subsequently, the petitioner submitted a representation dated 30.07.2018, requesting the third respondent not to demolish the house constructed under "Chief Minister Solar Power Green House Scheme". Since no favourable order was passed, the present Writ Petition.

4. It is the stand of the petitioner that his house is constructed in the agricultural land, which belongs to his mother, however, it has been described as encroachment by the Authorities. Therefore, the Authorities are directed to conduct a survey to find out whether the building in question is put up by the petitioner in a patta land and if no encroachment has been made in the Government poramboke land, the respondents are directed to drop the further proceedings. In other words, it is made clear that if the petitioner put up construction in a land belonging to him or his mother, the respondents shall not take any further action and if the construction is made in the Government poramboke land, the respondents shall proceed against the petitioner in accordance with law. Till then all further proceedings shall be kept in abeyance.

5. With the above direction and observation, the Writ Petition is disposed of. There is no order as to costs.

Sd/-
Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar

ssk/rns

To

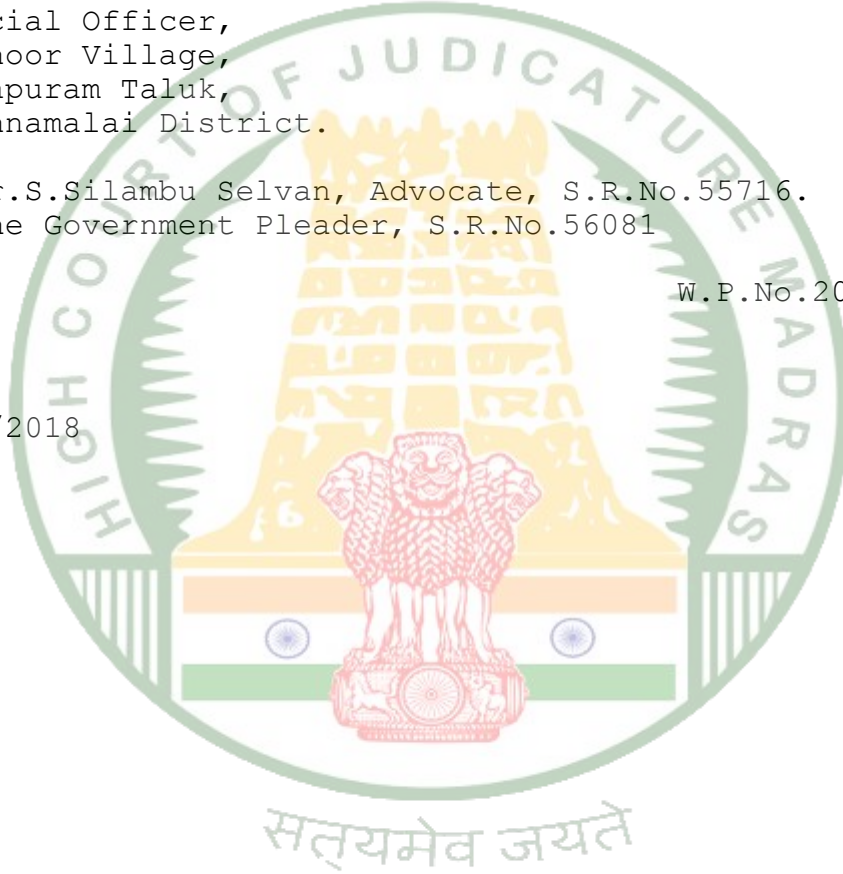
- 1.The District Collector,
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+1cc to Mr.S.Silambu Selvan, Advocate, S.R.No.55716.
+1cc to the Government Pleader, S.R.No.56081

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VD(CO)

rrs 03/10/2018



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