

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2018

CORAM

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

W.P.Nos.31460 of 2017 & 6068 of 2018

and

W.M.P.No.34565 of 2017

and

W.M.P.Nos.7484, 7485 and 20432, 21587 of 2018

- 1.Suparas Chand ..1st Petitioner in W.P.No.6068 of 2018
2.Mrs.Madan Kanvar ..2nd Petitioner in WP.6068 of 2018 and
petitioner in W.P.No.31460 of 2017
3.Ashok Kumar ..3rd Petitioner in W.P.No.6068 of 2018
4.Dilip Kumar ..4th Petitioner in W.P.No.6068 of 2018

vs

- 1.The District Collector,
Tiruvallur,
Tiruvallur District.
2.The District Revenue Officer,
Tiruvallur,
Tiruvallur District.
3.The Revenue Divisional Officer,
Ambattur,
Madhavaram Taluk,
Tiruvallur District.
4.The Tahsildar,
Madhavaram,
Tiruvallur District. .. Respondents in both W.Ps

Prayer in W.P.No.31460 of 2017: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent dated 26.06.2015 in Na.Ka.No.22700/2012/A1 and to quash the order dated 26.06.2015 made therein and consequently to forbear the respondents from interfering with the Petitioner's Peaceful enjoyment of her lands measuring acre 1.66

in Survey No.239 and acre 0.74 in Survey No.244/1A, Puzhal Village.

Prayer in W.P.No.6068 of 2018: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the 3rd respondent in Na.Ka.No.2129/2017/A5 and to quash the order dated 14.02.2018 made therein.

For Petitioners : M.Vijayakumar(in both W.Ps)

For Respondents : Mr.S.T.S.Murthy, AAG - V
Assisted by Mr.M.Elumalai, GA
(in both W.Ps)

C O M M O N O R D E R

The relief sought for in respect of W.P.No.31460 of 2017 is to call for the records of the 1st respondent dated 26.06.2015 in Na.Ka.No.22700/2012/A1 and to quash the order dated 26.06.2015 made therein and to forbear the respondents from interfering with the Petitioner's Peaceful enjoyment of her lands measuring acre 1.66 in Survey No.239 and acre 0.74 in Survey No.244/1A, Puzhal Village. The order of Revenue Divisional Officer, Ambattur, rejected the claim of the writ petitioner in respect of grant of patta in favour of the writ petitioner in proceedings dated 14.02.2018 is under challenge in respect of W.P.No.6068 of 2018.

2.The writ petitioner in W.P.No.31460 of 2017 is none other than the wife of Mr. Suparas Chand, who is the first petitioner in W.P.No.6068 of 2018. Sri.Madan Kanvar filed the first writ petition i.e.,W.P.No.31460 of 2017, challenging the order passed by the District Collector in proceedings dated 26.06.2015. The said order relates to the transfer of the subject land for the purpose of the construction of a Tahsildar Office, Madhavaram and the Government quarters. The said order, transferring the land for the purpose of construction of a Taluk office was under challenge. Subsequently, the petitions were filed and adjudications were conducted and finally W.P.No.6068 of 2018 has been filed, challenging the order dated 14.02.2018. Thus, the issues involved in these two writ petitions are common in respect of the same land and the actions are consequential. Thus, both the writ petitions are disposed of by way of these common order. The facts and circumstances narrated in the subsequent writ petition in W.P.No.6068 of 2018 are relevant for the purpose of understanding the entire facts in these two writ petitions are concerned.

3.The second writ petitioner is the wife of the first writ petitioner and the writ petitioners 3 & 4 are the Sons of the first writ petitioner. The petitioner claims that he owned and possessed the lands in following Survey Numbers in Puzhal Village, Madhavaram Taluk;-

Sl.No.	Survey Number	Extent in Hectares
1	118/1	0.27.50
2	119/1	0.31.50
3	120/1	0.63.50
4	239	0.67.00
5	244/1A	0.30.00
6	261/1	0.24.50
7	261/2	0.28.50
8	270/1	0.52.50

4.The aforesaid lands are assessed Punja Tharisu lands. The surrounding lands were originally owned and possessed by (1) Kesavan, S/o Val Murthy (2) Jayanthi Murugesan and Kullammal (3) Murugesan, S/o.Appu (4) Sami, S/o.Murugesan (5) Selvam, S/o.Eddi (6) Bhoopathi Ammal (7) Pachayappan and (8) Chandran, S/o.Vairakannu. The writ petitioner states that the said lands were their ancestral lands and they possessed and enjoyed the land for generations. These persons were cultivating the said lands. The original owners conveyed the same in favour of the writ petitioner and accordingly, the petitioner is in possession of the said lands. The petitioner claims that he entered into an agreement of sale and on payment of the entire consideration to the erstwhile owners, he is in possession of the said lands. However, it is admitted by the writ petitioner that the said lands have been classified as "Tharisu" and Sale Deeds could not be executed and registered. Thus, the writ petitioners themselves admitted in clear terms that the sale deeds could not be executed and registered in favour of the writ petitioners in view of the fact that the said land has been classified as "Tharisu" land. The claim of the writ petitioners are that they have paid the consideration to the original owners and therefore, they are the owners of the property. Patta No.375 came to be issued in favour of the writ petitioners and in the 'A' Register also, the name of the writ petitioner has been entered as owners. Subsequently, on 08.10.2010, the first petitioner settled the aforesaid lands in favour of his wife and in favour of his sons namely, the writ petitioners 3 & 4. The settlement deeds are registered as detailed below:

Sl.No .	Document No.on the file of SRO, Red Hills	Name of settlee	Survey No.	Extent in Hectare
1	7997/2010	Madan Kanvar, 2 nd Petitioner	239 244/1A	0.67.00 0.30.00
2	7998/2010	Ashok Kumar, 3 rd Petitioner	118/1 119/1 270/1	0.27.50 0.31.50 0.52.50
3	7999/2010	Dilip Kumar, 4 th Petitioner	261/1 261/2 120/1	0.24.50 0.28.50 0.63.50

5. Pursuant to the settlement deed executed in favour of the petitioners 2 to 4, they are in possession and enjoyment of the lands as absolute owners. Consequently, Patta has been issued in favour of the writ petitioners 2 to 4. Patta No.11929 has been issued in favour of the 2nd Petitioner. Patta No.11930 has been issued in favour of the 3rd petitioner and Patta No.11928 has been issued in favour of the 4th Petitioner. Their names are also entered in the Village records and therefore, they became the absolute owner of the property.

6. Under these circumstances, the third respondent/the Revenue Divisional Officer, Ambattur in his proceedings dated 19.12.2012, has chosen to cancel the Patta issued in favour of the writ petitioners 2 to 4, in respect of the aforesaid lands on the ground that the said lands are "Punjai Tharisu" lands and only in the computer generated Patta, the names of the petitioners 2 to 4 are entered and the said changes are not reflected in the Village records and the Patta has been erroneously granted in respect of the Government Poramboke lands. Challenging the said order of the Revenue Divisional Officer, the writ petitioners preferred an appeal before the second respondent(the District Revenue Officer).

7. The grievances of the writ petitioners are that when the appeal is pending before the second respondent, the respondents have attempted to interfere with the possession and enjoyment of the writ petitioners 2 to 4 and furnished them by stating that the respondents will dispossess the writ petitioners from their lands. Thus, the writ petitioners were constrained to file a writ petition in W.P.No.10172 of 2013 for a relief to forbear the respondents from dispossessing the writ petitioners from their lands without due process of law. This Court by order dated 16.04.2013, directed the parties to maintain a Status-Quo as on that day in respect of possession of the properties. Subsequently, by order dated 23.01.2015, the interim order of Status-Quo was made absolute. Under these circumstances, the second respondent remanded the matter back to the third

respondent to conduct a complete enquiry and pass an appropriate order. The fourth respondent, Tahsildar, Madhavaram put up a Notice in the lands in Survey Nos.239 and 244/1A belonging to the second petitioner, alleging that the lands belongs to the Revenue Department. As the 4th respondent continued the obstructions, the writ petitioners filed Contempt Petition No.1324 of 2017 in respect of the violation of the orders of this Court passed in M.P.No.1 of 2013 in W.P.No.10172 of 2013. Thereafter, on 11.10.2017, the 3rd respondent conducted an enquiry. At that point of time, it was revealed to the writ petitioners that the first respondent/the District Collector by his proceedings dated 26.06.2015, has directed that the lands of the second respondent in Survey Nos.239 and 244/1A and the other portions of the lands in Survey Nos.244 and 245 to be transferred in the name of the Revenue Department for construction of the Office for Tahsildar, Madhavaram and for putting up residential quarters. Against the said order of the first respondent dated 26.06.2015, the petitioners filed another W.P.No.31460 of 2017 before this Court to quash the said order and the first respondent and to forbear the respondents from interfering with the possession and enjoyment of the 2nd petitioner in respect of her lands in Survey Nos.239 and 244/1A, Puzhal Village and the said writ petition is also taken up for final hearing along with W.P.No.6068 of 2018. When the matter stands as it is, the 2nd respondent in his proceedings dated 09.08.2016, set aside the order of the 3rd respondent dated 19.12.2012, cancelling the Patta and remanded the matter back to the 3rd respondent to conduct a full enquiry and pass orders. The writ petitioners appeared in the enquiry before the third respondent through their learned counsel on 06.02.2018 and requested the copies of the old Village 'A' Register, Settlement Register and the list of Government Poramboke lands in Puzhal Village. However, the 'A' Register for fasli year 1422 was furnished. But extract from the old Village 'A' Register was not furnished. Even during the next hearing on 13.02.2018, the third respondent confirmed that the old Village 'A' Register is available in his files. The grievances of the writ petitioners are that the required registers sought for by them has not been produced for their verification and the 'A' Register was not shown to them. Under these circumstances, the writ petitioner also sent a representation to the third respondent on 14.02.2018. However, without considering these factors, the third respondent passed an impugned order in proceedings dated 14.02.2018, confirming the earlier order dated 19.12.2012 and further directed that the lands be registered as Government 'Punja Tharisu' lands. The third respondent has also ordered that proceedings be initiated against the writ petitioners for land grabbing as they have created documents with a view to covet Government lands. The third respondent has also recommended that actions be taken against the officials, who have committed such illegalities.

8.The learned counsel appearing on behalf of the respondents strenuously opposed the contentions raised on behalf of the writ petitioners. The brief events as per the respondents are that on 05.12.2012, the Tahsildar, Madhavaram sent a proposal to the Revenue Divisional officer, Ambattur to cancel the patta issued in S.Nos.118, 119, 120, 239, 244, 261, & 270/1 issued in favour of Madan Kanvar, Ashok Kumar and Dhilip Kumar which belongs to Government land, "Tharisu". On 19.12.2012, the Revenue Divisional Officer, Ambattur, cancelled the patta. On 10.01.2013, the writ petitioners preferred an appeal before the District Revenue Officer, Tiruvallur. The writ petitioners filed W.P.No.10172/2013 and an interim order was passed on 14.03.2013, not to dispossess the writ petitioners. One Mr.Vadivelsamy filed W.P.No.6343 of 2013, challenging the notice issued on 25.01.2013 under the provisions of the Tamil Nadu Land Encroachment Act, 1905. In this regard, this Court passed an order on 15.03.2013, directing the District Collector, Tiruvallur to consider the appeal filed by the petitioners. Meanwhile, the writ petitioners have filed another W.P.No.10172 of 2013 and this Court granted an order of Status Quo on 16.04.2013. Meanwhile, the Government issued G.O.Ms.No.430, Revenue[RA2(1)] Department dated 30.12.2013, sanctioning Rs.202.00 Lakhs for the purpose of constructing a Taluk Office Building in the said land. Another W.P.No.658 of 2015 was filed by one Mr.Rajarathinam Construction Limited with a prayer to restrain the Tahsildar, Madhavaram from evicting or dispossessing and also demolishing the wall constructed in S.No.245(part) of Puzhal Village. In that writ petition, also there shall be an order of Status Quo was granted on 09.01.2015. The said order of Status Quo was made absolute by the Hon'ble High Court on 23.01.2015 in W.P.No.10172 of 2013. The Tahsildar, Madhavaram filed a Vacate interim injunction petition in M.P.No.01/2015 in W.P.No.658 of 2015. However, the interim order granted was continued until further orders. Meanwhile, the Secretary to Government, Revenue Department in his letter dated 23.04.2015, written a letter to the District Collector, who in turn directed the District Revenue Officer, Tiruvallur to identify an alternate sites for the construction of Taluk Office, Madhavaram. On 23.04.2015, the land transfer proposal for Taluk Office, Madhavaram in Survey Nos.239, 244 & 245 of Puzhal Village was sent to the District Collector, Tiruvallur by the Revenue Divisional Officer, Ambattur. The District Collector in his proceedings dated 26.06.2015, ordered to transfer the lands in S.Nos.239, 244 & 245 total extent measuring 01.68.0 Hectares("Tharisu") Classification in favour of Taluk Office, Madhavaram. On 30.06.2015, Tahsildar, Madhavaram made changes in the Revenue records for the S.Nos.239, 244 & 245 total extent measuring 01.68.0 Hectares, which is classified as "Tharisu" in favour of the Taluk Office, Madhavaram. One, Sri.Pushpavalli and five others filed W.P.No.21389/2015, challenging the notice issued to them on

25.01.2013 under the provisions of the Tamil Nadu Land Encroachment Act, 1905. However, the Hon'ble Court directed the petitioners to file an application before the Appellate Authority within two weeks and the same is to be considered within four weeks. On 26.08.2015, the Land Delivery Receipt was given by the Revenue Inspector, Puzhal to the Assistant Engineer, Public Works Department. The said Sri.Pushpavalli filed 10(1) appeal petition before the District Collector, Tiruvallur. On 30.07.2016, the District Collector, Tiruvallur, rejecting the said appeal petition filed by Sri.Pushpavalli on the ground that S.No.245 belongs to the Government, and the land is required for construction of Madhavaram Taluk Office in proceedings dated 30.07.2016.

9. Under these circumstances, the appeal petition filed against the order passed by the Revenue Divisional Officer dated 09.12.2012 was remanded back by the District Revenue Officer, Tiruvallur for scrutiny. Construction of the Taluk Office was commenced by the Public Works Department Authorities. Under these circumstances, the writ petitioners filed Contempt Petition No.1324/2017 in W.M.P.No.1/2013 in W.P.No.10172/2013 filed by Madan Kanvar to punish the respondent for disobedience of the order passed by the Hon'ble High Court in M.P.No.01/2013 in W.P.No.10172/2013 dated 23.01.2015. In the meantime, the Revenue Divisional Officer, Ambattur, scrutinized the application remanded by the District Revenue Officer, Tiruvallur and passed the order stating that the S.Nos.118, 119, 120, 239, 244, 261/1, 261/2 & 270 belong to the Government and also directed the Tahsildar, Madhavaram to file a criminal case against Supras Chand S/o.Misrilal on 14.02.2013. The petitioners have filed the present writ petition, challenging the said proceedings and this Court granted an order of Status Quo. The writ petitioners are filed Contempt Petition No.1324/2017 and this Court passed an order on 19.03.2018, permitting the respondents to use the constructed building as the Tahsildar Office. Now, the New Madhavaram Taluk Office Building constructed at Gandhi Main Road, Puzhal was inaugurated by the Hon'ble Chief Minister of Tamil Nadu on 13.04.2018 and started functioning since then.

10. The learned Additional Advocate General appearing on behalf of the respondents states that the land in question belongs to the Government. It is classified as "Sarkar Punjai Poromboke" in the records. There is no cultivation in the said land for the past more than forty years. The learned Additional Advocate General reiterated that the writ petitioners have created certain bogus documents and further, created fraudulent computer patta and attempting to grab the Government land measuring about 8 acres and 2 cents. The Government sanctioned Rupees Two Crores for the construction of Taluk office. The constructions in all respects concluded and the office is

functioning for the usage of the public. This apart, it is contended that against the order impugned in this writ petition, there is an appeal provided before the second respondent. Thus, the writ petitioners have not exhausted the remedy available under the statute. This apart, the order of the third respondent is categorical in nature. All the revenue records and the documents submitted by the writ petitioners were considered and it was found that the writ petitioners have created certain bogus documents by manipulating the Government records in collusion with some Government officials. Thus, the third respondent has directed for initiation of criminal prosecution against all the persons concerned including the Government officials, who have colluded with the writ petitioners for the purpose of tampering Government records. Thus, there is no infirmity as such in respect of the order passed by the third respondent.

11.The learned Additional Advocate General referred the settlement deed dated 8th October 2010, executed by the first writ petitioner in favour of his wife and his sons. The said settlement deed is enclosed in Page No.4 of the typed set of papers filed along with the writ petition. The settlement deed states that the property, which is the subject matter of the present writ petition is the ancestral property of the settler namely, the first writ petitioner. However, the writ petition in W.P.No.6068 of 2018, in para 3 of the affidavit, the writ petitioners have stated as under:

"3.I Submit that the aforesaid lands are assessed Punja Tharisu lands. The aforesaid lands and the surrounding lands were originally owned and possessed by (1) Kesavan, S/o Val Murthy (2) Jayanthi Murugesan and Kullammal (3) Murugesan, S/o.Appu (4) Sami, S/o.Murugesan (5) Selvam, S/o.Eddi (6) Bhoopathi Ammal (7) Pachayappan and (8) Chandran, S/o.Vairakannu. These lands were their ancestral lands and were possessed and enjoyed by them for generations. They were cultivating the lands. The original owners conveyed the lands to me and put me in possession of lands. I had entered into Agreement of Sale and the entire consideration has been received by the said erstwhile owners. As the lands have been classified as Tharisu, Sale Deeds could not be executed and registered."

12.The learned Additional Advocate General would like to draw a contradictory statements made by the writ petitioners in respect of the settlement deed registered by the first writ petitioner. On the one hand, the writ petitioners says that the property is the ancestral property and the first writ petitioner settled the property in favour of his wife and his sons, but in the affidavit, he says that the land assessed as "Punja Tharisu" and he could not able to execute the registered sale deed in

view of the fact that the land was classified as "Tharisu". Thus, it is clear that the writ petitioner has manipulated the records in order to grab the Government land. It is who, the writ petitioners have indulged in illegal activities of land grabbing and knowing the fact that it is a valuable land and even the market value is running to several Crores, now attempting to grab the same by manipulating the records in collusion with some officials also.

13.It is contended that the petitioners themselves admitted that no sale deed was executed in respect of the land in question. The first writ petitioner executed the settlement deed in favour of his wife and his sons and that document alone is submitted even along with the writ petition. Not even a document has been submitted to establish that the property is an ancestral property. Even under Section 54 of the Transfer of Property Act, unless the sale deed is executed, the title cannot be claimed. A mere agreement of sale will not confer any title regarding the property. Thus, the writ petitioners have not established even the title before this Court by submitting any documents. The learned Additional Advocate General further stated that under Section 12 of the Patta Pass Book Act, an appeal lies to the District Revenue Officer and without exhausting the remedy available under the statute, the present writ petition is filed and therefore, it is liable to be dismissed in limini.

14.The learned counsel for the petitioner opposed the contention by stating that the petitioners are the owners of the land described in the present writ petition. The first writ petitioner executed a settlement deed in favour of his wife and his sons in the year 2010. Pursuant to the said settlement deed, the title was conferred in the names of the writ petitioners 2 to 4. Based on the settlement deed, patta also has been issued by the revenue officials. Thus, the cancellation of patta by the respondents without even conducting proper enquiry is not in accordance with law and the documents produced by the writ petitioners have not been considered at all.

15.The learned counsel for the petitioner further stated that the third respondent has not conducted proper enquiry at all. In fact, no enquiry was conducted. The petitioners were not at all heard properly. The request of the petitioners to furnish certain documents were not shown to the writ petitioners. Certain papers in the original files are also missing. The 'A' Register in respect of three items of the properties are not produced. This apart, the "Punja Tharisu" lands cannot be classified as a Government land. As per the Register maintained by the Village karnam land belongs to the writ petitioner and their names were entered in the Village Register. Thus, the Government officials have tampered the records in favour of the

Government. This apart, the initial notice was given by the officials only to one writ petitioner and only the subsequent notice dated 06.02.2018 was issued to all the writ petitioners. Thus, the enquiry conducted by the respondents are improper and not in accordance with the procedures contemplated.

16. In this regard, the learned Additional Advocate General referred the counter affidavit filed by the third respondent, which reads as under:

"In the meantime, As per the District Revenue Officer, Tiruvallur in his Proceedings Order dated 09.08.2016, Order set wide the earlier RDO, Ambattur Proceedings and reproceed to Conduct an enquiry and Pass appropriate order in accordance with law. The petitioners have appeared for the re-enquiry conducted by the Revenue Divisional Officer, Ambattur i.e 3rd respondent. The enquiry was conducted transparently and opportunity was given the Respondent to put forth their claims and production of records. Accordingly five enquiries dated 03.11.2017, 07.12.2017, 24.01.2018, 06.02.2018 and finally 13.02.2018 has been conducted by the 3rd respondent. But the petitioner has not submitted any relevant documents till final enquiry and also always asked time in the drag on manner."

17. The learned Additional Advocate General contended that the enquiry was conducted, proceedings were given to the writ petitioners. However, the writ petitioners were unable to produce even a single document to show that the property in question is their ancestral property or they are having any valid document to prove that they are the owners of the property.

18. This Court is of an opinion that if at all, the petitioner claims title, ownership or possession of the immovable properties, which all are in question, it is left open to the writ petitioner to approach the competent Civil Court of Law for the purpose of adjudication. Disputed and complex question of facts in relation to title, ownership or possession of immovable properties can never be adjudicated in a writ proceedings under Article 226 of the Constitution of India. All such disputed facts are to be adjudicated by way of a fulfilled Trial by the respective parties by submitting their documents and by adducing evidences before the Civil Court of Law. This Court cannot verify the authenticity of the documents now referred by the writ petitioners and come to a conclusion that the writ petitioners are the owners of the property in question. Contrarily, the contention of the respondents that as per the revenue records, lands belongs to the Government and the writ petitioners have created certain fraudulent documents and attempting to grab the Government land for unlawful enrichment. Thus, the District Revenue Officer has referred the matter for

prosecution and for investigation by the competent Police authorities. When the revenue officials verified the revenue documents and found that certain manipulations or fraudulent documents are created, then the right course would be to file a Police complaint and get the matter investigated and come to a conclusion in respect of the allegations set out therein.

19. In this view of the matter, it is a fit case for prosecution and the allegations set out by the respective parties are certainly disputed and this Court is of a strong opinion that there is a large scale collusion between some private individuals and the Government officials.

20. Considering the entire facts and circumstances, this Court is of an opinion that there are many inconsistencies and discrepancies between the parties. As contended by the learned Additional Advocate General, the writ petitioners have not produced any acceptable document to prove their title. Even in that case, this Court would not be in a position to go into the complex and factual disputes and the same is to be adjudicated before the competent Civil Court by way of a full fledged Trial. However, the allegations in respect of tampering the Government records either by the private individuals or in collusion with the officials, the same is to be viewed seriously. In the present writ petition, there is large scale allegation of tampering of revenue records by certain persons. When both the parties to the present lis on hand, pleads that the Government records are tampered with and there are fraudulent entries and manipulations, then the same require an investigation by the Police officials. The nature of the documents, inconsistencies, discrepancies, tampering of records, manipulations, malpractices, corrupt activities, illegalities and irregularities, all these aspects are to be investigated properly by the Central Crime Branch of the Police Department and all the persons, who are involved in such kind of offences are to be prosecuted under the relevant provisions of Penal law. Undoubtedly, there cannot be any leniency or misplaced sympathy in respect of the persons, who have indulged in such offence of tampering of records for the purpose of grabbing the Government lands. Public lands are to be preserved. Public lands are to be utilized only for the welfare of the public and no individual has got any right to enjoy or possess the Government land in an illegal manner.

21. The land value especially, in and around the Chennai City are raising high and under these circumstances, certain ill motivated and greedy persons are indulging in some illegal activities and grabbing the Government land and some patta lands. Such frequent complaints are received and large scale grabbing of such valuable lands are noticed by the public at large. In fact, such land mafia groups are increasing day-by-day

and the Government authorities, who all are bound to protect such Government lands, are also committing gross negligence and dereliction of duty in respect of their duty to protect the Government lands. In other words, the Government officials are failing in their duties and colluding with such land mafia groups and indulging in corrupt activities. These all are the frequent informations noticed by the public at large and by all concerned. Such activities of the ill motivated groups are to be dealt with iron heart and iron hand. There cannot be any leniency or misplaced sympathy in respect of such offenders. This Court is not coming to the conclusion that the petitioners are the offenders as of now. However, such factors are to be ascertained only through an investigation by registering a complaint before the competent Police authorities. A thorough investigation is certainly warranted in respect of the facts and circumstances of the present case is concerned. This Court is of an undoubted opinion that the complex nature of the case now presented before this Court is of such a nature that the fraudulent activities are going on, in respect of the Government lands in question in the present writ petition. Such being the conclusion of this Court, the right course would be to order for an investigation by the Central Crime Branch of the concerned Police authorities.

22. In this view of the matter, this Court is of a clear opinion that the writ petitioners have not made out any case for grant of any such relief sought for in both the writ petitions. Thus, the writ petitioners are not entitled for any relief. Considering the complex nature of facts and the nature of allegations of fraudulent and illegal activities now submitted before this Court, it is appropriate to issue the following directions:

(i) The respondents are directed to lodge a Police complaint before the Central Crime Branch concerned immediately, setting out all the facts and details along with the documents. The Central Crime Branch, in turn shall register the case immediately and commence investigation without any further delay, and proceed in accordance with Law.

(ii) In respect of the encroachments made in the Government lands, the respondents are directed to initiate immediate action against all the encroachers under the provisions of the Tamil Nadu Land Encroachment Act, 1905, by issuing show cause notice and by following the procedures contemplated under the provisions of the said Act and thereafter, evict all such encroachers without any delay and within a period of four weeks from the date of receipt of a copy of this order.

(iii) The District Collector, Tiruvallur, is directed to conduct a review meetings with all the revenue officials concerned and identify all the encroachments in his jurisdiction and issue suitable orders to evict all such encroachers in the interest of public, and by following the procedures contemplated under the Tamil Nadu Land Encroachment Act, 1905. Such review meetings and orders to be passed by the District Collector, Tiruvallur, within a period of four weeks from the date of receipt of a copy of this order.

(iv) The District Collector, Tiruvallur, is directed to oversee the implementation of the provisions of the Tamil Nadu Land Encroachment Act, 1905 by all the officials concerned and if there is any negligence, collusion or dereliction on duty, then the District Collector shall initiate appropriate disciplinary proceedings against all the officials concerned under the provisions of the Tamil Nadu Civil Services(Discipline and Appeal)Rules, and criminal prosecutions, if warrants under the facts and circumstances.

23. With these directions, both the writ petitions stand disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are also closed.

FOR BEING MENTIONED

These causes have been posted on this day under the caption "For being Mentioned" in pursuant of the order of this court dated 27/07/2018 and upon perusing the order of this court and upon hearing the Submissions of Mr.M.Vijayakumar, Advocate for the Petitioners and of Mr.S.T.S.Murthy, AAG-V, Assisted by Mr.Elumalai, Government Advocate for the respondents, the court made the following order:

The learned counsel for the writ petitioner mentioned the present writ petition after the pronouncement of the Judgment on 27.07.2018 that the submissions made by him had not been recorded in the Judgment. Thus, the case was posted under the caption "for being mentioned" on 02.08.2018(today).

2. The learned counsel for the petitioner contended that the petitioner has already filed W.M.P.No.21587 of 2018 with a prayer to direct the respondents to forbear the copy of the old 'A' Register in respect of Survey Nos.118/1, 119/1, 120/1, 239, 244/1A, 261/1, 261/2 and 270/1 to the petitioners. The writ petitioner is of an opinion that if the old 'A' Register is produced, then he will be in a position to establish his case. This apart, in the Registers produced by the respondents in respect of three items, pages are not available and in respect

of one item, a xerox copy of a document has been inserted in the original file. It is contended that there are lot of discrepancies in the original Register and there are certain manipulations by the Government officials. Secondly, the learned counsel for the writ petitioner made a submission that a liberty is to be given for the petitioner to file a Police complaint. In this regard, this Court is of an opinion that any person aggrieved, can prefer a complaint in accordance with law. Filing a complaint is a basic right of a person and no liberty is required.

3. In respect of the manipulations in the 'A' Register and other revenue documents, this Court has arrived a conclusion that a Police complaint is to be lodged and appropriate investigations are to be done by the Central Crime Branch. Thus, the writ petitioners are bound to cooperate for the investigation and they are bound to explain their stand and if they are in possession of any document, the same also shall be produced for investigation. At the outset, these all are the responsibilities of the Investigating Officer to cull out the truth behind the entire Episode. However, this Court cannot go into all these aspects.

4. The learned Additional Advocate General opposed the contentions of the writ petitioners by stating that the 'A' Register was produced and all the original Revenue documents are available with the respondents and they are ready and willing to produce the same before the Investigating Officials, whenever required. The respondents are having sufficient documents to show that the land in question belongs to the Government. In this regard also, it is for the respondents to establish all such documents before the Investigating Officer.

5. However, in a writ petition, these questions in relation to the facts and documents cannot be adjudicated. Thus, the order passed by this Court on 27.07.2018 in W.P.Nos.31460 of 2017 & 6068 of 2018 stands confirmed and no further orders are required in these writ petitions.

WEB COPY

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1.The District Collector,
Tiruvallur,
Tiruvallur District.

2.The District Revenue Officer,
Tiruvallur,
Tiruvallur District.

3.The Revenue Divisional Officer,
Ambattur,
Madhavaram Taluk,
Tiruvallur District.

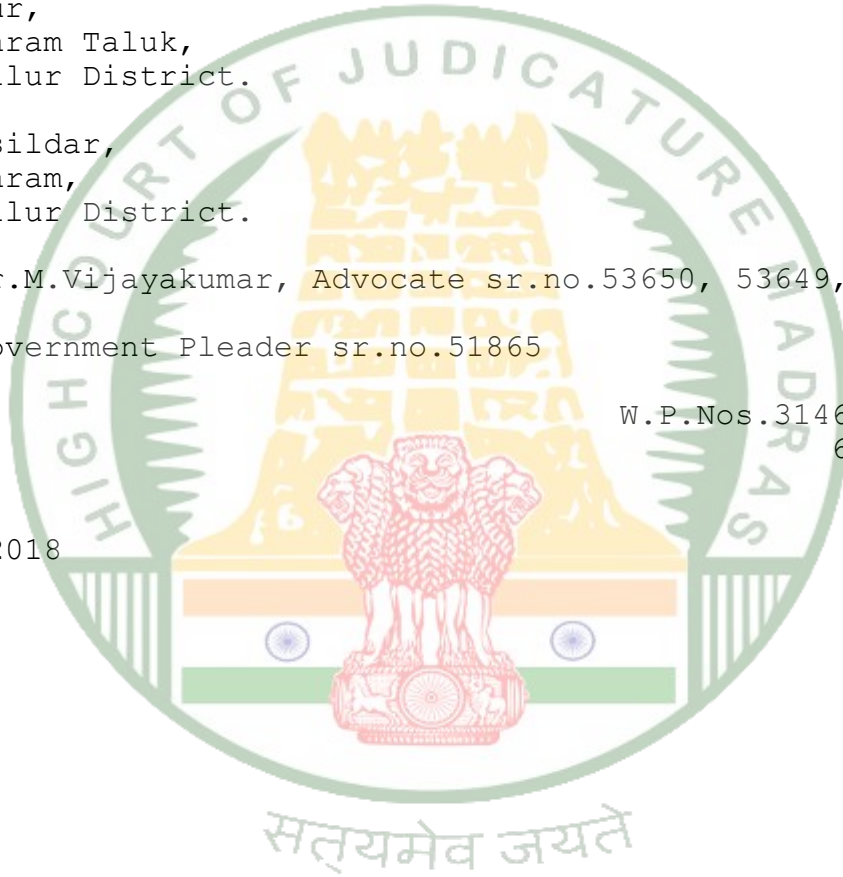
4.The Tahsildar,
Madhavaram,
Tiruvallur District.

+5cc to Mr.M.Vijayakumar, Advocate sr.no.53650, 53649, 57005,
57006

+1cc to Government Pleader sr.no.51865

W.P.Nos.31460 of 2017 &
6068 of 2018

kgk(co)
nr 16/08/2018



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