

In the High Court of Judicature at Madras

Reserved on	03.12.2018
Pronounced on	21.12.2018

Coram:

The Hon'ble Mr.Justice M.VENUGOPAL
and
The Hon'ble Mr.Justice R.PONGIAPPAN

W.P.No.31729 of 2013 and
M.P.Nos.1 of 2013 and 1 of 2015,
W.P.No.29622 of 2014 and M.P.No.1 of 2014 and
W.P.No.31030 of 2014 and M.P.No.1 of 2014

P.Shanmugam ...Petitioner in W.P.Nos.31729 of 2013 and
31030 of 2014

A.Venkatachalam ...Petitioner in W.P.No.29622 of 2014

Vs.

1. The District Collector,
Villupuram District,
Villupuram.

2. The Revenue Divisional Officer,
Chinna Salem, Villupuram District

3. The Tahsildar,
Chinna Salem Taluk,
Villupuram District

4. The Junior Engineer,
Public Works Department,
Water Resources Organisation,
Irrigation Division,
Chinna Salem,
Villupuram District

5. K.Ramasamy ...Respondents in W.P.No.31729 of 2013

1. The District Collector,
Villupuram District,
Villupuram.

2. The Revenue Divisional Officer,
Kallakurichi

3. The Assistant Engineer,
Public Works Department,
Kallakurichi, Villupuram District

4. K.Ramasamy ...Respondents in W.P.No.29622 of 2014

1. The Additional Chief Secretary &
Commissioner of Land Administration,
Chepauk, Chennai - 600 005

2. K.Ramasamy ...Respondents in W.P.No.31030 of 2014

Prayer in W.P.No.31729 of 2013:

Writ Petition filed under Article 226 Constitution of India to issue a Writ of Mandamus forbearing the Respondents 1 to 4 from sending of indiscriminate notices without proper application of mind on the frivolous complaints of the 5th Respondent in respect of Petitioner's Patta lands measuring 2.04.5 Ares in S.F.No.376/10 and an extent of 0.82.0 Ares in S.F.No.376/11, Rayappanur Village, Chinna Salem Taluk, Villupuram District pending lis between the Petitioner and the 5th Respondent before the competent Civil Court by considering the representation dated 19.11.2013.

Prayer in W.P.No.29622 of 2014:

Writ Petition filed under Article 226 Constitution of India to issue a Writ of Mandamus forbearing the Respondents 1 to 3 its men and subordinates from interfering with the possession of the Petitioner in respect of his land in S.No.376/1, Patta No.1085 and S.No.376/7D Patta No.589 in Rayapanoor Village, Kallakurichi Taluk, Villupuram District

Prayer in W.P.No.31030 of 2014:

Writ Petition filed under Article 226 Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the Impugned Notice made in R.O.C.No.G1/37291/2010 dated 10.10.2014 issued by the 1st Respondent, quash the same, consequently forbear the 1st Respondent from entertaining any petition at the instance of the 2nd Respondent or conducting any enquiry in respect of the Petitioner's Patta lands measuring 2.04.5 ares in S.F.No.376/10 and an extent of 0.82.0 Ares in S.F.No.376/11, Rayappanur Village, Chinna Salem Taluk, Villupuram District, pending lis between him and the 2nd Respondent and pass such further orders.

W.P.No.31729 of 2013:

For Petitioner : Mr.N.Manokaran
For Respondents : Mr.J.Pothiraj for R1 to R4
Special Government Pleader
Mr.P.Sesubalan Raja for R5

W.P.No.29622 of 2014:

For Petitioner : Mr.V.Lakshminarayanan for
Mr.Sharath Chandran
For Respondents : Mr.J.Pothiraj for R1 to R3
Special Government Pleader
Mr.P.Sesubalan Raja for R4

W.P.No.31030 of 2014:

For Petitioner : Mr.N.Manokaran
For Respondents : Mr.J.Pothiraj for R1
Special Government Pleader
Mr.P.Sesubalan Raja for R2

C O M M O N O R D E R

M.VENUGOPAL, J.

Heard both sides.

Summation of Facts in W.P.No.31729 of 2013

2. According to the Petitioner, he is the owner of the property measuring an extent of 2.04.0 Ares comprised in S.F.No.376/10 and an extent of 0.82.05 Ares comprised in S.F.No.376/11 of Rayappanoor Village, Kallakurichi Taluk, [presently at Chinna Salem Taluk, Villupuram District]. Further, an extent of 5.00 Acres in S.F.No.376/10 was assigned in favour of his father, viz., late Periya Gounder during the year 1964 and similarly, an extent of 2.34 Acres comprised in S.F.No.376/11 was assigned in Petitioner's name in the year 1970. His family is in possession and enjoyment of the said extent comprised in S.F.Nos.376/10 and 376/11 for more than four decades.

3. After considering the Petitioner's possession and enjoyment in respect of S.F.No.376/11 and his father's possession in S.F.No.376/10, the 3rd Respondent had granted Patta No.552 for S.F.No.376/10 and Patta No.203 for S.F.No.376/11 on 17.07.1990. While he is cultivating the entire extent and eking his livelihood for all these years, the 5th Respondent [Native

villager] had illegally encroached his land measuring an extent of 1.50 acres in S.No.376/11 in the year 2006. He filed four Writ Petitions and they are set out hereunder:

Writ Petition No.	Prayer	Result
W.P.No.41194 of 2006	Writ of Mandamus directing the respondents to consider his representation dated 11.09.2006 given for setting right the water flow of the canal in S.F.No.376/11	Disposed on 31.10.2006
W.P.No.9718 of 2008	Writ of Mandamus directing the 1 st respondent to consider the Petitioner's appeal dated 17.05.2007	Disposed on 22.04.2008
W.P.No.4880 of 2010	Writ of Mandamus to direct the 2 nd Respondent to restore the channel in S.F.No.376 as indicated in the field map as per the order in Na.Ka.No.A5/51540/2006 dated 20.10.2009 passed by the 1 st Respondent	Disposed on 10.03.2010
W.P.No.22714 of 2011	Writ of Mandamus to direct the 3 rd respondent to cancel the assignment made in favour of the 4 th Respondent as directed by the 1 st Respondent in respect of the land measuring 0.82.0 Ares in S.No.376/11	Dismissed for Default on 27.02.2012

4. The subject matter of the property in S.F.Nos.376/10 and 376/11 are Petitioner's patta Lands and that the Respondents 1 to 4 have no right to disturb his possession and enjoyment in the guise of entertaining frivolous petitions filed by the 5th Respondent. For the past six years, the Respondents 1 to 4 are in the habit of issuing notices to conduct an 'Enquiry' at the instance and instigation of the 5th Respondent and that the Petitioner had appeared and submitted his explanations, when he was called for an enquiry.

5. The Petitioner produced an Interim Injunction order dated 07.09.2009 made in I.A. No.3419 of 2010 in O.S.No.558 of 2010 on 18.11.2013 on the file of Trial Court, but the Respondents 1 to 4 had stated that the said order would not bind them, since they were not parties to the suit. Hence the Petitioner has filed the present Writ Petition seeking to restrain the Respondents 1 to 4 from sending indiscriminate notices without proper application of mind on the frivolous complaints of the 5th Respondent in respect of his patta lands measuring 2.04.5 ares in S.F.No.376/10 and an extent of 0.82.0 ares in S.F.No.376/11 Rayappanoor Village, Chinna Salem Taluk, Villupuram District

pending Lis between him and the 5th Respondent before the competent Civil Court by considering his representation dated 19.11.2013.

The Facts in W.P.No.29622 of 2014:

6. According to the Petitioner, the land in Survey No.376/1 situated in Royappanoor Village, Kallakurichi Taluk, Villupuram District measures about 2.91 acres which absolutely belongs to him. He is in possession and enjoyment of property for over several decades and the revenue records also do stand in his name. The patta was granted by the Revenue Department as early as on 11.07.1974. In regard to Survey No.376/7D, situated in Royapanoor village, Kallakurichi Taluk, he is in possession and enjoyment of the property. All of a sudden, the 2nd Respondent / R.D.O., Kallakurichi along with his men [including the Tahsildar] went to his fields on 07.11.2014 and threatened to destroy the crops, which was at the behest of the Order of the 1st Respondent / District Collector, Villupuram.

7. The version of the Petitioner is that the officials of the Revenue Department concern themselves of widening of a non-existing water channel in Survey No.376 running to across Survey No.376/1A, B, 376/7D and 376/11 in the aforesaid village. All these were made at the instance of the 4th Respondent [though he had not made any of the Pattadar as parties in three of the Writ Petitions, he had filed before this Court] and that the Petitioner is arraying him as a party only to expose the fraud played by him on the rights of owner. Further, the 4th Respondent had mislead the Court as well as the Revenue Department in not disclosing the vital facts. Apart from that, the 4th Respondent had made a representation on 11.09.2006 for restoration of water channel based on the field map and the 1st Respondent / District Collector, Villupuram had conducted a detailed enquiry and also obtained a report from the 2nd Respondent / Revenue Divisional Officer, Kallakurichi dated 13.01.2007 and on scrutinizing the report of the Assistant Director, Land Survey and District Revenue Officer dated 28.02.2007, the 1st Respondent / District Collector, Villupuram had ultimately passed an order on 09.04.2007 clearly observing that for over 50 years, there is no semblance existing of an 'Odai' and the lands are under the 'Control of Pattadars'.

8. Indeed, the 1st Respondent / District Collector, Villupuram had observed that 'Odai' commencing from Survey No.377, abutting Survey No.376/1B, the property that belongs to the 4th Respondent [K.Ramasamy] could be deepened and the 'Bund' strengthened through the appropriate department. Even today, the order dated 09.04.2007 passed by the 1st Respondent / District Collector, Villupuram holds good. It is not within the competence of the Revenue Officials in seeking to disturb the

possession of the Petitioner, admittedly, a 'Pattadar' cannot be uprooted his holdings thrown out without following the due process of Law, therefore, the Petitioner has filed the present Writ Petition seeking to restrain the Respondents 1 to 3, its men and subordinates from interfering with his peaceful possession in respect of his land in Survey No.376/1, Patta No.1085 and Survey No.376/7D, Patta No.589 in Rayapanoor Village, Kallakurichi Taluk, Villupuram District.

W.P.No.31030 of 2014 :

The Gist of Writ Facts

9. The subject matter of the property in S.F.Nos.376/10 and 376/11 are the Petitioner's patta Lands and as such, neither the 1st Respondent nor the Revenue Authorities or the Public Works Department have any right to disturb his possession and enjoyment under the guise of entertaining frivolous petitions filed by the 2nd Respondent. If there is any encroachment in S.F.No.376, the Revenue Authorities are at liberty to take steps to remove the encroachments. However, they cannot interfere with his right to property in S.F.Nos.376/10 and 376/11. After coming to know about the Interim Order dated 22.11.2013 passed in W.P.No.31729 of 2013, the 2nd Respondent had approached the 1st Respondent / the Additional Chief Secretary & Commissioner of Land Administration, Chepauk, Chennai - 600 005 to take action on his representation dated 02.11.2011 alleging that the assignment order in respect of S.F.No.376/11 made in favour of the Petitioner should be cancelled. The 1st Respondent had issued an Impugned Enquiry Notice dated 10.10.2014 after a period of three years requiring the Petitioner to appear for an enquiry on 29.10.2014.

10. Thereafter, the 1st Respondent had simply adjourned the enquiry stating that he was not a party to W.P.No.31729 of 2013, although the Interim Order dated 22.11.2013 passed by this Court was brought to his notice. In fact, the Petitioner appeared on 20.11.2014 and filed a 'Memo' requesting the 1st Respondent to furnish the documents relied and referred in support of the representation filed by the 2nd Respondent. The 1st Respondent had furnished some documents and instructed the Petitioner to file his objections on 27.11.2014.

11. As a matter of fact, the 1st Respondent had yielded to the undue pressure given by the 2nd Respondent and had issued the Impugned Notice dated 10.10.2014. Hence, the Petitioner has filed the present Writ Petition praying for passing of an order by this Court in calling for the records relating to the Impugned Notice dated 10.10.2014 issued by the 1st Respondent, to quash the same and consequently to restrain the 1st Respondent from entertaining any Petition at the instance of the 2nd Respondent or conducting any enquiry in respect of his patta

lands measuring to 2.04.5 acres in S.F.No.376/10 and an extent of 0.82.0 Ares in S.F.No.376/11, Rayappanoor Village, Chinna Salem Taluk, Villupuram District pending lis between the Petitioner and the 2nd Respondent. The plea of the Petitioner is that the 1st Respondent had issued the Impugned Notice dated 10.10.2014 without application of mind and that too in a pre-determined manner.

The Stand point of Official Respondent Nos.1 to 3 :
(in W.P.No.31729 of 2013, W.P.No. 29622 of 2014 and
1st Respondent in W.P.No.31030 of 2014)

12. The detail channel starts from Attupannai of Attur Taluk, Salem village and passes through R.S.No.377 and R.S.No.376 of Rayappanur Village and R.S.No.78 of Poondi Village and R.S.Nos.241, 244, 245, 246, 159, 157, 154, 174, 138, 131, 130 of Thagamtheerthapuram village and reaches Thagamtheerthapuram Lake in R.S.No.125 of Chinnasalem Taluk.

13. Further, as per direction of this Court dated 13.03.2018, the tentative extent of channel detail presently passing through the disputed lands, R.S.No.376/1A, 376/1B, 376/7D, 376/8, 376/11, 376/12 and 376/13 are as under:

S.No	Survey No	Total Extent	Tentative Extent proposed for	
1	376/1A	10300	08500	01800
2	376/1B	01700	01600	00100
3	376/7D	15650	15150	00500
4	376/8	03600	03100	00500
5	376/11	08200	06900	01300
6	376/12	01000	00950	00050
7	376/13	09500	09400	00100
	Total	49950	45600	04350

Moreover, the channel width at R.S.No.376/1A is 26.0 meter and at the end of point Survey No.376/11 is 9.6 meter and it differs in breadth in middle Survey No.376/7D, 12,8.

14. The disputed Lands, R.S.No.376/1A measuring 1.03.0 Hectare, R.S.No.376/7D measuring 1.56.5 Hectare stand in the name of A.Venkatachalam as 'Pattadar' and R.S.No.376/10 - 2.04.0 Hectare, R.S.No.376/11 - 0.82.0 Hectare lands stands in the name of Shanmugam as 'Pattadar'. In short, these disputed lands were inspected by the Zonal Deputy Tahsildar, Chinnasalem on 10.11.2018 and that the present status of the fields are as follows:

R.S. No.	Extent (in Hec)	Patta No.	Pattadar Name	Current Status
376/10	2.04.0	552	Shanmugam S/o Periya Gounder	Saco and Tamarind
376/11	0.82.0	203	Shanmugam S/o Periya Gounder	0.19.0 - Burial Ground 0.02.5 - Cart Track 0.03.5 - Detail Channel 0.05.0 - Well 0.15.0 - Tamarind 0.10.0 - Maize
376/1A	1.03.0	1247	Venkatachalam S/o Athiyappagounder	0.80.0-Paddy& Sanappai 0.13.0 - Detail Channel 0.10.0 - Waste
376/7D	1.56.5	1247	Venkatachalam S/o Athiyappagounder	0.04.0-House and Water tub 1.10.0 - Maize 0.05.0- Detail Channel 0.37.5 - Waste

The aforesaid detailed channel passes through the aforesaid patta lands without any block.

15. Added further, the part of the Survey No.R.S.No.376/1A and 7D, which includes the present disputed area having 'Channel' as survey detail was assigned to A.Venkatachalam and his mother in the year 1970 issued by the Government following the Rules prescribed for assignment. Moreover, as per norms mentioned in chain survey manual, it is the prime duty of the Pattadar to maintain the survey detail, who obtained the assignment of land from the Government, if assigned Pattadar failed to maintain the survey details, food path, car track, channels and streams etc., the encroachment made in the 'Survey Detail' area will be evicted by the assigning authority and the charges of eviction are to be collected from the pattadar. Considering these aspects, the then Authorities have assigned the above lands.

16. In so far as R.S.No.376/11 'Mayanam Poramboke' of Rayappanoor Village, Chinnasalem Taluk, the orders of the assignment would be cancelled by following the due procedures.

As regards the pending issues, viz., (i) Decision is to be taken on the assignment of a cancellation (ii) Retaining the Burial Ground in the suit land (iii) Formation of land by the PWD Authorities, as per the plan marked, noted in detail in FMB Sketch (iv) Eviction of encroachments are to be sorted out.

Contents of Counter of 4th Respondent in W.P.No.31729 of 2013 :

17. The Junior Engineer, Public Works Department [WRO] [Irrigation Division], Chinnasalem, Villupuram District had clearly averred that the 1st Respondent / District Collector, Villupuram District had directed him to remove the encroachments made upon the supply channel of Thagamtheerthapuram Lake situated in Survey No.376 at Rayappanoor Village from the said channel, as per FMB and by following Rules and Regulations, hence issued Eviction Notice dated 05.03.2010 to the Petitioner [P.Shanmugam] and one Venkatachalam [Petitioner in W.P.No.29622 of 2014]. In the meanwhile, the 5th Respondent [K.Ramasamy] filed W.P.No.4880 of 2010 seeking a relief to implement the order of the Collector dated 20.10.2009 and the relief as prayed for was granted by this Court.

18. In this connection, it is to be pointed out that pursuant to the Eviction Notice dated 05.03.2010 and the order passed in W.P.No.4880 of 2010, he had removed the encroachments made upon the said channel with the help of Revenue and Police Officials and on 07.06.2010 submitted a report to the 1st Respondent in this regard. Also that, the 1st Respondent / District Collector, Villupuram through communication dated 11.01.2013 had directed to restore the supply channel in entirety and he along with Revenue Officials had jointly measured the said supply channel and boundary stones were laid on 07.02.2013.

19. Besides the above, on 02.08.2013, the Revenue Divisional Officer, Kallakurichi / 2nd Respondent held a Peace Meeting, in which the Petitioner [P.Shanmugam in W.P.Nos.31729 of 2013 and 31030 of 2014] and one Venkatachalam [Petitioner in W.P.No.29622 of 2014 and the 5th Respondent [K.Ramasamy; 4th Respondent in W.P.No.29622 of 2014 and 2nd Respondent in W.P.No.31030 of 2014] and the 3rd Respondent / Tahsildar, Chinnasalem Taluk, Villupuram District took part and it was decided to implement the orders passed by this Court in W.P.Nos.4880 of 2010 and 25307 of 2011.

20. Continuing further, an intimation on 13.11.2013 was given to the 3rd Respondent / Tahsildar, Chinnasalem and a copy was submitted to the Revenue and Police Officials, 5th Respondent [K.Ramasamy], Petitioner [P.Shanmugam] and one Venkatachalam [Encroacher] for eviction of the entire extent of the above said field channel. In the interregnum, the Petitioner [P.Shanmugam] filed the Writ Petition.

21. That apart, the Petitioner in W.P.No.31729 of 2013 had encroached another part of water course, i.e., Government Odai Poramboke in S.No.376/3, Royappanoor Village and action was taken to remove the aforesaid encroachments and the Writ Petitioner [P.Shanmugam] earlier filed W.P.No.15679 of 2008, wherein a Status Quo order was granted. Since the Petitioner had not given an Affidavit of Undertaking, as submitted by him before this Court, the encroachment was removed and a report was submitted on 18.11.2010, the Writ Petition came to be disposed of.

22. The Writ Petitioner [P.Shanmugam] and his son had deliberately encroached the aforesaid restored water course once again by flouting the order and therefore, he gave a complaint dated 16.04.2014 and 14.07.2014 and reminder was issued to the police and no action regarding the said complaint was taken against the Writ Petitioner and his son under the Tamilnadu Public Property [Prevention of Damage and Loss] Act.

23. Likewise, the Petitioner in W.P.No.29622 of 2014 [Venkatachalam] has filed a Writ Petition for the same relief in respect of adjoining land in the aforesaid in the aforesaid supply channel.

The Stance of 5th Respondent [In W.P.No.31729 of 2013] [4th Respondent in W.P.29622 of 2014 and 2nd Respondent in W.P.No.31030 of 2014]

24. In the Common Counter dated 06.02.2018, the 5th Respondent [K.Ramasamy] had stated that the subject matter of the channel is one of the main channel, which take water to the Lake called 'Thagam Theertha Yeri' situated in Thagam Theerthapuram. Because of the illegal encroachments put by the unscrupulous elements [including the Channel running through Survey No.376], during rainy season, the rain water is entering several tenements of the poor persons like him causing enormous damage to men and materials. Therefore, he submitted a representation dated 11.09.2006 before the 1st Respondent / District Collector, Villupuram and the Revenue Tahsildhar, Kallakurichi Taluk seeking action against encroachers and to remove encroachments in the channel running Survey No.376/11 in Kattukottai, Royappanoor, Kallakurichi Taluk.

25. Since the Officials had not taken any action on his representation, he filed W.P.No.41194 of 2006 before this Court seeking to consider his representation regarding the removal of encroachment in the 'Odai Poramboke' in Survey No.376/11 and on 31.10.2006, this Court directed the Respondents to consider his representation within a period of four weeks from the date of receipt of the order.

26. The 1st Respondent / District Collector, Villupuram through his order 09.04.2007 directed the encroachers, viz., Shanmugam, Venkatachalam [Writ Petitioners] to take steps in raising the 'Channel Banks' wherever the 'Breadth' and 'Depth' of the Channel was found inadequate so as to ensure the smooth running of flood water.

27. As against the said order, the 5th Respondent [K.Ramasamy] preferred an Appeal dated 17.05.2007 before the Special Commissioner and Commissioner of Land Administration, Chennai and later, he filed W.P.No.9718 of 2008 praying for passing of an order by this Court in directing the said Special Commissioner and Commissioner of Land Administration to consider his Appeal and this Court on 22.04.2008 had directed the Special commissioner to consider his Appeal dated 17.05.2007 and pass orders in accordance with Law within a period of eight weeks from the date of receipt of copy of this Order. In fact, the said Commissioner was pleased to remand the matter before the 1st Respondent / District Collector, Villupuram and directed him to pass suitable Orders.

28. The 1st Respondent / District Collector, Villupuram issued notice to him and other Writ Petitioners and conducted an enquiry. Also that, he obtained a report from the District Revenue Officer, Villupuram and the Assistant Executive Engineer to ascertain the viability of restoring the channel and the availability of gradient to form the Channel. After conducting a thorough enquiry, the District Collector passed an order dated 20.10.2009 by directing the Assistant Engineer, Public Works Department to take necessary steps to form the channel, as indicated in the 'Field Map'.

29. The Assistant Engineer, PWD, Irrigation Division, Chinnaasalem issued a notice dated 05.03.2010 in Form III of Tamilnadu Protection of Tanks and Eviction of Encroachment Act, 2007 to the encroachers including the Petitioner [A.Venkatachalam] in W.P.No.29622 of 2014 and after receipt of the said notice, the said Venkatachalam filed W.P.Nos.6103 and 6104 of 2010 respectively to quash the notice in question. During enquiry, the Petitioner furnished a reply to the notice issued by the Assistant Engineer and this fact was brought to the notice of this Court and this Court on 29.03.2010 while disposing of the Writ Petitions had directed the Assistant Engineer to consider and pass orders based on the reply of Venkatachalam within a period of six weeks etc.,

30. The Assistant Engineer, after considering the reply furnished by the Venkatachalam by his order dated 07.05.2010 had directed the Petitioner [Venkatachalam] to remove the encroachments made by him in the water channel within one week or else the encroachments would be removed and channel would be

formed, as per direction issued by this Court in W.P.No.4880 of 2010.

31. Subsequently, the small portion of Channel was restored by the Assistant Executive Engineer after removing the encroachments made by the Petitioners. Though the breadth of the Channel as indicated in the Field Map is 26 meter, the channel was restored for a breadth of 3 meter only and that the Petitioner [Venkatachalam] filed W.P.No.10781 of 2010 seeking to quash the order passed by the Assistant Engineer dated 07.05.2010 and the Writ Petition was dismissed on 07.06.2010, since Petitioner's Counsel made an endorsement that the prayer sought for by the Petitioner become an infructuous one.

32. The Petitioner [Venkatachalam], who got enraged by the removal of encroachments in disregard to the 'Rule of Law' destroyed the channel restored by the authorities by using JCP Machines and immediately the authorities lodged a complaint, based on which, a case was lodged against Venkatachalam and his son Balu, as per Sections 447 of IPC and Section 3 Tamilnadu Public Property [Prevention of Damage and Loss] Act in Crime No.269 of 2010 on the file of Chinnasalem Police Station. Since the channel was not restored to its entire extent, it was only restored admeasuring 400 Meter long and 3 M breadth on 01.09.2010 and 02.09.2010, the Official team lead by the Revenue Divisional Officer had measured the channel on 19.06.2012. However, the measurement work was not completed and that the Authorities made it clear that the restoration of the channel would be completed only after the completion of the measurements.

33. The Petitioner [Shanmugam] and one Raja filed W.P.Nos.15678 and 15679 of 2008 seeking to restrain the authorities from evicting them in respect of Survey Nos.379/1 and 376/3 and during the pendency of the aforesaid Writ Petitions, the Petitioner, [P.Shanmugam in W.P.Nos.31729 of 2013 and 31030 of 2014] had executed a civil suit in O.S.No.558 of 2010 on the file of the Learned District Munsif, Kallakurchi against the 5th Respondent [K.Ramasamy] seeking declaration and permanent injunction regarding the subject matter of the properties therein, as if he was claiming the right over the same. The order of temporary injunction was obtained in the aforesaid suit by the said Shanmugam, against which, an Appeal was preferred by the 5th Respondent and the Appeal was allowed on 13.10.2014 whereby and whereunder the temporary injunction granted by the Trial Court was set aside by the Sub Court, Kallakurichi Taluk.

Salient Features of Counter of Respondents 1 and 2
in W.P.No.29622 of 2014:

34. The 'Odai Poramboke' is an 'Objectionable Poramboke', as per 'Revenue Standing Order' 26 Section 10(1) and it should not be encroached. With a view to protect Water Bodies, the Government of Tamilnadu had passed the Tamilnadu Protection of Tanks and Eviction of Encroachment Act, 2007 and the same is followed by the Government scrupulously. The Petitioner [Venkatachalam] has no right to encroach the 'Odai Poramboke'. In fact, he had encroached the 'Odai Poramboke', which is detrimental for the free flow of water. Furthermore, the Petitioner [Venkatachalam] is not an absolute owner and he has no clear title over the property. Just because he had secured a patta on the 'Odai Poramboke', he cannot lay a claim over it. He appeared for an enquiry and submitted his objections.

The Petitioner's Contention in W.P.No.31729 of 2013:

35. At this stage, the Learned Counsel for the Petitioner submits that the Petitioner had filed a suit against the 5th Respondent and his brother, viz., Muthu seeking relief of Permanent Injunction in O.S.No.558 of 2010 on the file of the Learned District Munsif, Kallakurichi. He had also filed I.A.No.3419 of 2010 for an Interim Injunction against the Defendants therein and the Interim Injunction was granted on 07.09.2011 by the trial court till the disposal of the suit. In fact, the said suit was filed only in respect of subject matter of the property comprised in S.F.Nos.376 / 2010 and 376 / 2011.

36. The Learned Counsel for the Petitioner contends that the 4th Respondent / Junior Engineer, Public Works Department, Water Resource Organisation, Irrigation Division, Chinna Salem, Villupuram District had addressed a communication dated 13.11.2013 to the Revenue Tahsildar, Chinna Salem Circle, seeking police protection to remove the non-existing encroachments in S.F.Nos.376/10 and 376/11 and further that, the Petitioner had not encroached any land as alleged by the 5th Respondent. Further, he had addressed a representation dated 19.11.2013 requesting the Respondents 1 to 4 not to take any action on the frivolous petition submitted by the 5th Respondent.

37. The Learned Counsel for the Petitioner proceeds to point out that the subject matter of the property was assigned in favour of the Petitioner during the year 1970 under provisions of the Board Standing Orders. In reality, the Petitioner is in possession and enjoyment over the property for the past 45 years and in case of bonafide dispute, as regards title, the Respondents cannot take an unilateral decision in their own favour that the property belongs to them.

The Petitioner's Contention in W.P.No.31030 of 2014:

38. The Learned Counsel for the Petitioner contends that the 'Enquiry Notice' dated 10.10.2014 issued by the 1st Respondent / the Additional Chief Secretary & Commissioner of Land Administration, Chennai -5 is an arbitrary and illegal one because of the fact that it is against 'Fair Play' 'Equity' and 'Good Conscience'.

The Petitioner's Contention in W.P.No.29622 of 2014:

39. The Learned Counsel for the Petitioner contends that the Respondents cannot interfere with the possession of the Patta Lands of the Petitioner without adhering to the known legal procedure. Further, when the status of the Petitioner is admitted as 'Pattadar', then, it is the plea of the Petitioner that it is not within the domain of the Revenue Officials to disturb the Petitioner's Possession.

Decision relied on by the Petitioner in W.P.No.29622 of 2014:

40. The Learned Counsel for the Petitioner refers to the decision of this Court Kalianna Mudali V. Secretary of State reported in A.I.R.1916 Madras 930 (2) and 931, wherein at Paragraph Nos.1 to 3 it is observed as under:

"The defendant's own case is that there was, however, an old kuttai or pond fed by two rills. There is now another water-course issuing out of the pond, and the defendant now claims that the rills, the kuttai and the other water -course form a natural stream. If this be so, the evidence clearly points to the plaintiff having acquired an easement to interrupt the flow through the pond by bunding it up so as to store the water. The pond has a stone revetment and even the written statement says that the water which flowed from the pond, flowed through a breach in the kuttai or, as the evidence shows, through a breach in the stone revetment. Once the easement is shown, it is for Government to show under S.47 of the Easements Act that it interrupted that easement more than 20 years ago or that the plaintiff rendered its use impossible, and that has not been done. Mere failure on the plaintiff's part to repair the breach would not amount to obstruction by the servient owner or rendering the use impossible by the dominant owner.

As to the claim to levy water cess, these rills run through the plaintiff's pattah land, and their beds have not been separately demarcated as poramboke; they are part of the pattah land and not the property of Government, and, therefore, the water-course cannot be said to belong to Government as decided day before yesterday in Appeal Suit No.113 of 1910 (on the file of the High Court).

The appeal must be allowed and the suit decreed as claimed, except as regards the cess for fasli 1318, with costs throughout.

The time for payment will be three months from this date."

The Petitioner's Citation in
W.P.Nos.31729 of 2013 and 31030 of 2014:

41. The Learned Counsel for the Petitioners relies on the decision of Hon'ble Supreme Court between Hindustan Poles Corporation V. Commissioner of Central Excise, Calcutta reported in (2006) 4 SCC 85 at Special Page 98 wherein at Paragraph No.42, it is observed as under:

"Before we part with this case we would like to impress upon the respondent Authorities that before issuance of Show-cause notices the Revenue must carefully take into consideration the settled law which has been crystallised by a series of judgments of this Court. The Revenue must make serious endeavour to ensure that all those who ought to pay excise duty must pay but in the process the Revenue must refrain from sending of indiscriminate show-cause notices without proper application of mind. This is absolutely imperative to curb unnecessary and avoidable litigation in the courts leading to unnecessary harassment and waste of time of all concerned including the tribunals and the courts."

42. The Learned Counsel for the Petitioner cites the decision of Hon'ble Supreme Court between Udyami Evam Khadi Gramodyog Welfare Sanstha and Another V. State of Uttar Pradesh and Others reported in (2008) 1 Supreme Court Cases 560 at Special Page 564, wherein at Paragraph No.16, it is held as follows:

"16. A writ remedy is an equitable one. A person approaching a superior court must come with a pair of clean hands. It not only should not suppress any material fact, but also should not take recourse to the legal proceedings over and over again which amounts to abuse of the process of law. In Advocate General, State of Bihar V. M.P.Khair Industries (1980) 3 SCC 311 this Court was of the opinion that such a repeated filing of writ petitions amounts to criminal contempt."

Legal Scenario:

43. At this juncture, this Court aptly points out that 'Right to Property' is not only a constitutional 'Statutory Right', but, also a 'Human Right' to help 'Livelihood', 'Shelter' and 'Employment' etc.,

44. To prove a legal possession, it is essential for a litigant to establish lawful transaction. As a matter of fact, the term 'Due Process of Law' / 'Due Course of Law' means that an individual being in settled / continuous possession cannot be displaced without a Court of Law having determined his rights qua the true owner in respect of 'Recovery of Possession' or 'Injunction' against dispossession. The emphasis is on an action before a Court of Law and the relevant adjudication by the competent Court. In a realistic sense, a citizen's right to hold a property and use it in the manner he likes cannot be deprived except by a 'Procedure of Law' being adhered to by the concerned Authority.

45. In Law, a person, who is in long and continuous possession is entitled to protect his possession by seeking a relief of injunction against any person, in the world, of course, other than the true owner. Also that, the true owner of a property can recover possession by taking recourse to the 'Due Process of Law'. The settled possession ought to be [a] Effective [b] Undisturbed [c] To the knowledge of the owner without any endeavour and concealment by the Trespasser. The words 'Settled Possession' cannot be confined in a Strait-Jacket Cast Iron Formula. However, in a given case, if a 'Trespasser' is in physical possession of certain property, then, seeking the relief of possession is the appropriate remedy in Law, as opined by this Court.

46. There is no gainsaying of the fact that primarily a Civil Court of Law is a 'Court of Equity' and relief of Injunction is an equitable relief and in granting the said relief, against actions or orders of public authorities acting in the discharge of their public duties, a great care, caution and circumspection are required while granting the relief. Apart from that, the order 39 Rule 1 of Civil Procedure Code, which confers powers on the concerned Court to grant an injunction, Section 151 also confers powers upon the Court to grant the relief of injunction, if the matter is not covered by Order 39 Rule 1 and 2 of Civil Procedure Code.

47. It is to be pointed out that unlawful possession / enjoyment of public property without having patta for the same is an unjust enrichment and also against Public Interest. Also that, in a Civil Suit before a Competent Court for the relief of Interim Injunction or Perpetual / Permanent Injunction, the Plaintiff is to establish his claim and further, he is to satisfactorily point out to the Court Concerned that he was threatened in an illegal manner to disturb his peaceful possession in respect of the subject property.

48. It cannot be forgotten that if an individual is entitled to seek a prohibitory injunction, a 'Fortiori' is also entitled to the relief of mandatory injunction, in the considered opinion

of this Court. It is to be remembered that if a person has no interest or right of the property or possession, which is lawful conferring him a possessory right recognisable in Law, then, a Court of Law may be hazy in granting the discretionary relief of 'Injunction' in his favour.

49. It is useful to refer to the decision of Hon'ble Supreme Court Rame Gowda V. M.Varadappa Naidu reported in AIR 2004 Supreme Court 4608 at Special Page 4612 and 4613 wherein at Paragraph No.8 it is observed as under:

"8. It is thus clear that so far as the Indian law is concerned the person in peaceful possession is entitled to retain his possession and in order to protect such possession he may even use reasonable force to keep out a trespasser. A rightful owner who has been wrongfully dispossessed of land may retake possession if he can do so peacefully and without the use of unreasonable force. If the trespasser is in settled possession of the property belonging to the rightful owner, the rightful owner shall have to take recourse to law; he cannot take the law in his own hands and evict the trespasser or interfere with his possession. The law will come to the aid of a person in peaceful and settled possession by injuncting even a rightful owner from using force or taking law in his own hands, and also by restoring him in possession even from the rightful owner [of course subject to the law of limitation]. If the latter has dispossessed the prior possessor by use of force. In the absence of proof of better title, possession of prior peaceful settled possession is itself evidence of title. Law presumes the possession to go with the title unless rebutted. The owner of any property may prevent even by using reasonable force a trespasser from an attempted trespass, when it is in the process of being committed, or is of a filmsy character, or recurring, intermittent, stray or casual in nature or has just been committed, while the rightful owner did not have enough time to have recourse to law. In the last of the cases, the possession of the tresspasser, just entered into would not be called as one acquiesced to by the true owner."

50. It is to be pointed out that the disputed questions of facts are not to be gone into in a Summary Writ Proceedings under Article 226 of the Constitution of India, because of the fact that the 'Disputed Facts' are to be examined and tested with reference to oral and documentary evidence to be produced and adduced before an appropriate forum by the concerned parties to arrive at a Just, Fair and Proper Decision.

An Order / Judgment [Not Inter Parties] :

51. It is to be noted that an Order / Judgment not inter-parties is admissible in evidence in certain contingencies and in particular case, if the existence of the same is a 'Relevant Fact' or 'Fact in Issue'. Moreover, an Order / Judgment not inter parties can only be construed as an evidence of transaction and they are admissible as 'Evidence of Assertion of Right Claimed'. Really speaking, in Law, a Judgment between the Plaintiff and Third Parties is not admissible though the facts found therein may support Plaintiff's Title disputed in a given case.

52. Moreover, in the decision Gopi Sundari Dasi and Others V. Kherod Gobinda Chowdhury and Others reported in 1925 Calcutta 194, it is observed and held as under:

"Under certain circumstances and in certain cases, the judgment in a previous suit to which one of the parties in the subsequent suit was not a party may be admissible in evidence for certain purposes and with certain objects in the subsequent suit."

Discussions:

53. At the outset, this Court points out that the Petitioner in W.P.No.31729 of 2013 and W.P.No.31030 of 2014 had addressed a representation dated 19.11.2013 to the District Collector, Villupuram District whereby and whereunder he had complained that one Ramasamy [5th Respondent in W.P.No.31729 of 2013, 4th Respondent in W.P.No.29622 of 2014 and 2nd Respondent in W.P.No.31030 of 2014] had encroached his portion of land and because of the said dispute based on enmity, without proof had made allegations against him in a defamatory manner with a bad motive to drive him from pillar to post and to threaten him by transmitting false petitions addressed to various Departments and resting on the same, numerous Government Officers were inspecting the Petitioner's [Shanmugam] Land, which caused mental agony to him, and that, the said officers were interfering with his independent property right without any reason and therefore, prayed for preventing the 'Human Rights Violation'.

54. Further, the Petitioner [Shanmugam] had filed a suit in O.S.No.558 of 2010 on the file of the Learned District Munsif, Kallakurichi and had obtained an Interim Injunction, which is in force. Under these circumstances, the Petitioner in his representation dated 19.11.2013 addressed to the 1st Respondent / District Collector, Villupuram had prayed for rejection of the false petitions given by said Ramasamy [5th Respondent in W.P.No.31729 of 2013, 4th Respondent in W.P.No.29622 of 2014 and 2nd Respondent in W.P.No.31030 of 2014] and to protect his basic rights, his individual property right and also to protect the human rights.

55. In the Writ Petition in W.P.No.31030 of 2014, at Paragraph No.16, the Petitioner had clearly averred that he is in possession and enjoyment of the property for the past 45 years and as such, the Respondents are prevented from interfering with his right, title, possession and enjoyment. Further, a plea is taken on behalf of the Petitioner in W.P.No.31030 of 2014 that in case of bonafide / genuine dispute that exist between him and the 2nd Respondent, the Respondents have no right to interfere with his possession and in short, the dispute is to be decided by a competent Court of Law.

56. Besides these, the 1st Respondent / Additional Chief Secretary and Commissioner of Land Administration, Chepauk, Chennai - 600 005 had issued an impugned Notice dated 10.10.2014 requiring the Petitioner as well as K.Ramasamy [5th Respondent in W.P.No.31729 of 2013, 4th Respondent in W.P.No.29622 of 2014 and 2nd Respondent in W.P.No.31030 of 2014] to appear before him for hearing the case on 29.10.2014 [Wednesday] at 3.30 P.M. etc., the said Impugned Notice dated 10.10.2014 was issued by the 1st Respondent unmindful of the interim stay of all further proceedings pursuant to the Notice dated 13.11.2013 on the file of the 4th Respondent / Junior Engineer, Public Works Department [WRO] Irrigation Division, Chinnasalem, Villupuram district passed in W.P.No.31729 of 2013 until further orders and that the matter posted for enquiry on 27.09.2014.

57. The stand of the Petitioner [Venkatachalam] in W.P.No.29622 of 2014 ; that the lands in Survey No.376/1 measuring an extent of 2.91 acres in Rayapanoor Village, Kallakurichi Taluk, Villupuram District belongs to him absolutely; that patta was granted as early as on 11.07.1974 by the Revenue Department and; that His predecessors were in occupation of the property for a well over several decades and their title to the property are of relevant factors, which certainly need the attention and consideration of the Concerned Authority. Further, the Petitioner / Pattadar cannot be dislodged without following due process of Law by the concerned authorities. The Official Respondents 1 to 3, their Men and subordinates are to be restrained from interfering with his possession in respect of his land in S.No.376/1, Patta No.1085 and S.No.376/7D, Patta No.589 in Rayapanoor Village.

58. There is no two opinion of the fact that the Writ Petitioner, P.Shanmugam in W.P.No.31729 of 2013 and W.P.No.31030 of 2014 had filed a suit in O.S.No.558 of 2010 against Ramasamy [5th Respondent in W.P.No.31729 of 2013, 4th Respondent in W.P.No.29622 of 2014 and 2nd Respondent in W.P.No.31030 of 2014] and Muthu in which he filed an I.A.No.3419 of 2010, [under Order 39 Rule 1 and 2 of CPC] praying for temporary injunction restraining the Respondents / Defendants or his men or agents

in any way from interfering with his peaceful enjoyment of the properties and the trial Court had allowed the said Interlocutory Application by granting temporary injunction till the disposal of the main suit on 07.09.2011.

59. Significantly, the official Respondents, viz., (i) District Collector, Villupuram District (ii) Revenue District Officer, Chinnasalem, Villupuram (iii) Tahsildar, Chinnasalem Taluk, Villupuram (iv) Junior Engineer, Public Works Department (WRO) Irrigation Division, Chinnasalem, Villupuram District in W.P.No.31729 of 2013 are not parties to the suit in O.S.No.558 of 2010 filed by the Petitioner [Shanmugam] as against Ramasamy and Muthu. Obviously, the said suit in O.S.No.558 of 2010 was filed by the Writ Petitioner [P.Shanmugam] against K.Ramasamy, 5th Respondent in W.P.No.31729 of 2013 / 4th Respondent in W.P.No.29622 of 2014 / 2nd Respondent in W.P.No.31030 of 2014, who was shown as 1st Defendant / 1st Respondent in the main suit and Interlocutory Application.

60. It comes to be known that the Zonal Deputy Tahsildar, Chinnasalem had inspected the Royappanur Village, S.No.376/10, 376/11-376/1 and 376/D on 10.11.2018, in respect of the case filed by the Writ Petitioners and Ramasamy before this Court, had mentioned in his status report dated 12.11.2018 that the falling of rainwater in Attupannai of Salem District enters the Royapanur village, S.No.376/1A and after passing through S.Nos.376/8, 376/7D, 376/12, 376/11 proceeds to the detail channel through Thagamtheerthapuram Village in the Channel Portion. There is no manner of encroachment and during rainy season, there is no impediment for the rain water to pass through.

61. Also that, it appears that the Junior Engineer of PWD (WRO) Irrigation Division, Chinnasalem, Villupuram District (3rd Respondent in W.P.No.29622 of 2014) had addressed a Letter No.nfh-7-2015-,/bgh (rp/nr)-ehs;:14.07.2015 to the Revenue Tahsildar, Chinnasalem Circle, Chinnasalem, wherein he had interalia mentioned that since the measurement of the Odai to be taken is a smaller one, in the two measurements, which one of the measurement is to be taken into account and to remove the encroachment and sought for clarification.

62. Although in the affidavit in W.M.P.No.3164 of 2016 in W.P.No.29622 of 2014 the Petitioner [A.Venkatachalam] at Paragraph No.3 averred that the Officers of the Revenue Department attempted to widen a Non-existing water channel in S.No.376 running across S.Nos.371/1A, B, 376/7D and 376/11 in Rayapanoor Village, Chinnasalem, Kallakurichi, Villupuram District, the 3rd Respondent / Tahsildar, Chinnasalem in his report dated 13.11.2013 at Paragraph No.5 had clearly mentioned that the disputed lands were inspected by the Zonal Deputy

Tahsildar on 10.11.2018 and he reported that 'Detail Channel' passes through the Patta lands in R.S.Nos.376/10, 376/11, 376/1A, 376/7D without any block.

Conclusion : [in W.P.No.31729 of 2013 and W.P.No.31030 of 2014]

63. In view of the foregoing, on a careful and meticulous consideration of the respective contentions and also this Court keeping in mind the entire conspectus of the surrounding facts and circumstances of the present case, in an integral manner, at this stage, simpliciter, without expressing any opinion on the merits of the matter and also not delving deep into the matter, directs the official Respondents 1 to 4 in W.P.No.31729 of 2013 to look into the representation of the Petitioner [Shanmugam] dated 19.11.2013 [Addressed to the 1st Respondent / District Collector, Villupuram District] and to act in terms of thinking Judicial Mind, of course, in accordance with Law. Further, the 1st Respondent / District Collector, Villupuram District and other official Respondents are to take into consideration of the Order dated 07.09.2011 in I.A.No.3419 of 2010 in O.S.No.558 of 2010 filed by the Writ Petitioner [Shanmugam] against K.Ramasamy and his brother Muthu. It cannot be gainsaid that the said suit was filed with regard to the subject matter of the property comprised in Survey field S.Nos.376/10 and 376/11.

64. In regard to the Impugned Notice dated 10.10.2014 in R.O.C.No.G1/37291/2010 issued by the 1st Respondent / Additional Chief Secretary and Commissioner of Land Administration, Chepauk, Chennai, which is assailed in W.P.No.31030 of 2014 is concerned, the Petitioner [Shanmugam] is directed to appear before the 1st Respondent on a fresh date and time to be specified by the 1st Respondent for hearing well in advance requiring the Petitioner to appear for an enquiry in regard to the cancellation of assignment in respect of the S.No.376/11, Royapanur village, 5 acres at Kallakurichi Taluk, Villupuram District and that the Petitioner is to produce relevant documentary evidence to prove his possession and enjoyment of the property for a well over four decades and above. The liberty is granted to the Petitioner [Shanmugam] to make use of the order passed by the trial Court in I.A.No.3419 of 2010 in O.S.No.558 of 2010 dated 07.09.2011 to his advantage [in respect of the property comprised in S.No.376/10] and in this regard, the 1st Respondent / Additional Chief Secretary & Commissioner of Land Administration, Chepauk, Chennai shall take into consideration of the same at the time of passing the final orders in the subject matter in issue. It is open to the Petitioner [Shanmugam] to raise all factual and legal pleas and to cite the relevant case Laws in support of his contentions before the 1st Respondent / Additional Chief Secretary & Commissioner of Land Administration, Chepauk, Chennai, during the course of hearing the said 1st Respondent shall issue notice

to the 5th Respondent, viz., Ramasamy and after providing adequate opportunity to the Writ Petitioner as well as the 5th Respondent by adhering to the 'Principles of Natural Justice' is to pass a reasoned speaking order in qualitative and quantitative terms assigning necessary reasons therefor, by meeting out both the factual and legal pleas raised by the respective parties. Further, during the course of enquiry of the 1st Respondent / Additional Chief Secretary & Commissioner of Land Administration, Chepauk, Chennai, the Writ Petitioner, Shanmugam [in W.P.Nos.31729 of 2013 and 31030 of 2014] and 5th Respondent / Ramasamy [in W.P.No.31729 of 2013 and 2nd Respondent in W.P.31030 of 2014] are permitted to project their views / pleas with necessary oral and documentary evidence at their command. In this regard, the 1st Respondent / the Additional Chief Secretary & Commissioner of Land Administration, Chepauk, Chennai - 600 005 shall provide reasonable opportunity to them. In case, the Petitioner [Shanmugam], 5th Respondent [Ramasamy], the Official Respondents [in W.P.No.31729 of 2013 and 29622 of 2014] seek permission for personal hearing, that also may be granted by the 1st Respondent in W.P.No.31030 of 2014 in a reasonable manner keeping in mind that 'No person can be deprived of his property' without establishing his right over the same. The final order in the subject matter in issue shall be passed by the 1st Respondent within a period of eight weeks from the date of receipt of a copy of this Order.

Result : [in W.P.No.29622 of 2018]

65. In so far as the Writ Petitioner is concerned, since his claim is that the lands in Survey No.376/1 situated at Rayapanoor Village, Kallakurichi Taluk, Villupuram District measuring an extent of 2.91 acres belongs to him absolutely and he is said to be in possession and enjoyment of the property in respect of S.No.376/7D situated at Rayapanoor Village, Kallakurichi Taluk, Villupuram District and furthermore, he was granted patta as early as on 11.07.1974 by the Revenue Department and that he along with his predecessors were in occupation of the property for several decades and as such, their title to the property is unimpeachable one etc., this Court is of the considered view that the Official Respondents 1 to 3 are directed to follow the due process of Law by providing necessary opportunity of hearing keeping in view of the 'Principles of Natural Justice' and in case, if the Official Respondents are desirous of conducting an enquiry in respect of the subject properties involved in W.P.No.29622 of 2014 relating to the Petitioner, then, the said enquiry can be conducted in accordance with Law by notifying the Date, Time and Place of hearing, well in advance to the Petitioner and other Respondents and after hearing the Petitioner and Others, who are interested in the subject matter, are to pass necessary final orders in the

subject matter in issue. It is open to the Petitioner to produce all necessary documents at his command and to mark the same at the time of enquiry and that the concerned authority, who hears the matter is to consider the same, advert to the factual and legal pleas raised by the Petitioner and to pass a reasoned speaking order on merits, in an unbiased and dispassionate manner. The Petitioner can place reliance upon the proceedings of the District Collector, Villupuram dated 20.10.2009 or on the report of the 2nd Respondent / Revenue Divisional Officer or the report of the Assistant Director, Land Survey and D.R.O. or the order passed by the 1st Respondent / District Collector, Villupuram dated 09.04.2007 or to any other documents and to make use of those materials before the concerned Authority during the course of enquiry. If an enquiry is conducted by the concerned official Respondents, then, the Petitioner shall extend his unstinted co-operation and assistance so as to enable the said Official Respondent to pass the final orders within a period of eight weeks from the date of conclusion of hearing. Till the final orders are passed in respect of Shanmugam [in W.P.No.31729 of 2013 and 31030 of 2014] as well as in respect of Venkatachalam [in W.P.No.29622 of 2014] by the Concerned / Competent Authority, the Petitioners' enjoyment and possession of the subject properties shall not be displaced / disturbed.

With the aforesaid observations and directions, the Writ Petitions stand disposed of. Consequently connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssd

To

1. The District Collector,
Villupuram District,
Villupuram.
2. The Revenue Divisional Officer,
Chinna Salem,
Villupuram District

3. The Revenue Divisional Officer,
Kallakurichi
4. The Tahsildar,
Chinna Salem Taluk,
Villupuram District
5. The Junior Engineer,
Public Works Department,
Water Resources Organisation,
Irrigation Division,
Chinna Salem,
Villupuram District
6. The Assistant Engineer,
Public Works Department,
Kallakurichi, Villupuram District
7. The Additional Chief Secretary &
Commissioner of Land Administration,
Chepauk, Chennai - 600 005

+2ccs to Mr.N.Manokaran, Advocate, S.R.No.89721 and 89722
+1cc to Mr.Sharath Chandaran, Advocate, S.R.No.89213
+1cc to Mr.P.Sesubalan Raja, Advocate, S.R.No.89878
+1cc to the Government Pleader, S.R.No.89905

W.P.No.31729 of 2013,
W.P.No.29622 of 2014 and
W.P.No.31030 of 2014

GP (CO)

rrs 22/01/2019

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