

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:05.04.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

W.P.No.7945/2018

B.Nithyanandham

.. Petitioner

Vs

1.The State of Tamil Nadu
rep.by the Secretary
Department of Revenue
Secretariat, Chennai 600 009.

2.The District Collector
Kancheepuram District,
Kancheepuram.

3.The District Revenue Officer
Kancheepuram District,
Kancheepuram.

4.The Revenue Divisional Officer
Chengalpattu Division,
Chengalpattu.

5.The Tahsildar
Tiruporur Taluk,
Tiruporur, Kancheepuram District.

6.The Sub Inspector of Police
E8 Kelambakkam Police Station
Kelambakkam, Kancheepuram District.

7.The Sub Inspector of Police
Anti-Land Grabbing Special Wing
Kancheepuram, Kancheepuram District.

8.G.Johnbritto

9.J.Anbu

10.J.Murali

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the
Constitution of India praying for issuance of a Writ of mandamus
directing the respondents to conduct enquiry with regard to the

petitioner complaints dated 10.09.2016, 24.06.2017 and 05.02.2018 addressed to him and the representations dated 05.02.2018 addressed to the 2nd respondent and thereby direct the 2nd respondent to put the petitioner in possessing of the subject land after affording reasonable opportunities to the respondents 8 to 10.

For Petitioner : Mr.R.Malaichamy

For R2 to R6 : Mr.T.M.Pappiah, Spl.GP

ORDER

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

By consent, the writ petition is taken up for final disposal. Mr.T.M.Pappiah, learned Special Government Pleader accepts notice on behalf of the respondents 2 to 6 and for other official respondents, this Court is of considered view that they are not either party or necessary party to be put on notice and therefore, notice to them is dispensed with.

2 The petitioner would aver that the land admeasuring to an extent of 0.17 cents in S.NO.599/B in Padur Village near Padur Lake, opposite to Chettinad Hospital, was encroached upon by the father of the petitioner, viz., M.Babu, after disposing of the patta land. The grievance now expressed by the petitioner is that the private respondents had encroached upon the said land which is classified as "Eri Poramboke" and started putting up constructions and in this regard, the petitioner has submitted representations and the last of such representations was submitted to the respondents 2 and 5 on 05.02.2018 respectively and in spite of receipt and acknowledgment, no action has been taken so far to remove encroachment and halt the unauthorised construction and hence, the petitioner is constrained to approach this Court by filing the present writ petition.

3 Mr.R.Malaichamy, learned counsel for the petitioner has drawn the attention of this Court to the letter of the 4th respondent dated 13.10.2016 in his Letter No.1791/2016/Aa addressed to the 5th respondent wherein the said official was directed to follow G.O.Ms.No.540, Revenue [LD6[2]] Department, dated 04.12.2014 and if any encroachment is found, to remove the same and report to the said office and it is also followed by a Memo dated 20.02.2018 in Na.Ka.No.2618/2018/Aa1 issued by office of the 2nd respondent once again to the 5th respondent and despite such directions from the superior officials, the 5th respondent is not taking any action, whatsoever and prays for appropriate orders.

4 The Court heard the submissions Mr.T.M.Pappiah, learned Special Government Pleader appearing for the respondents 2 to 6 and perused the materials placed before it.

5 A perusal of the materials would prima facie indicate that the father of the petitioner himself is an encroacher in respect of the land admeasuring to an extent of 0.17 cents in Padur Village in S.No.599/B and according to him, the private respondents had trespassed and encroached upon the said land and started putting up construction. It is also the case of the petitioner that the said land is also a water course.

6 However, taking into consideration, the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the respondents 4 and 5 to cause a joint inspection of the land in question in Padur Village in S.No.599/B, admeasuring to an extent of 0.17 cents, after putting the petitioner as well as respondents 8 to 10 on notice, within a period of four weeks from the date of receipt of a copy of this order and depending upon the result of the survey and inspection, shall take immediate and appropriate action in accordance with law, in the event of any encroachment being found/unauthorised construction being put up, within a further period of ten weeks thereafter and communicate the decision taken, to the petitioner as well as to the respondents 8 to 10. If respondents 4 and 5 requires any police assistance, the 6th respondent shall extend the same.

7 The writ petition stands disposed of with the above direction. No costs.

Sd/-
Deputy Registrar

//True copy//

Sub Assistant Registrar

AP

To

1.The Secretary, State of Tamil Nadu,
Department of Revenue
Secretariat, Chennai 600 009.

2.The District Collector
Kancheepuram District, Kancheepuram.

3.The District Revenue Officer
Kancheepuram District, Kancheepuram.

4.The Revenue Divisional Officer
Chengalpattu Division, Chengalpattu.

5.The Tahsildar
Tiruporur Taluk, Tiruporur,
Kancheepuram District.

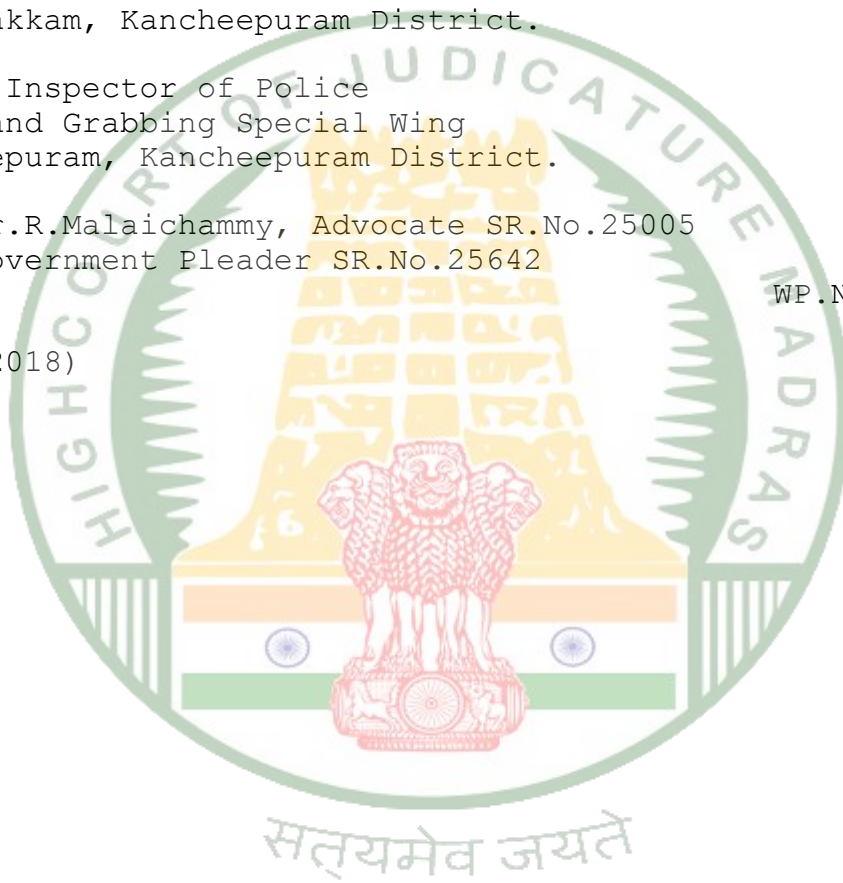
6.The Sub Inspector of Police
E8 Kelambakkam Police Station
Kelambakkam, Kancheepuram District.

7.The Sub Inspector of Police
Anti-Land Grabbing Special Wing
Kancheepuram, Kancheepuram District.

+1cc to Mr.R.Malaichammy, Advocate SR.No.25005
+1cc to Government Pleader SR.No.25642

WP.No.7945/2018

GN(19/04/2018)



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