

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 01.11.2018

CORAM :
THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.6682 of 2014
and
M.P.No.1 of 2014

P.Krishnamaraja

... Petitioner

vs.

- 1.The District Collector,
Vellore District,
Vellore - 632 009.
- 2.The Tahsildar,
Ambur Taluk Office,
Ambur, Vellore District - 635 802.
- 3.The Block Development Officer,
Madanur Block,
Ambur Taluk,
Vellore District.
- 4.The Revenue Inspector,
Agaram Block,
Agaram Village and Post,
Ambur Taluk, Vellore District.
- 5.The Village Administrative Officer,
Guruvarajapalayam,
Guruvarajapalayam Village and Post,
Agaram Via, Ambur Taluk,
Vellore District.
- 6.The President,
Guruvarajapalayam Village Panchayath,
Guruvarajapalayam Village and Post,
Agaram Via, Ambur Taluk,
Vellore District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a writ of Mandamus forbearing the respondents and their men from interfering with the petitioner's peaceful possession and enjoyment of the property admeasuring an extent of 7992 sq.ft (18.3 cents) comprised in New Survey Nos.185/6 & 185/15 and patta number 67 situated at Guruvarajapalayam Village, Ambur Taluk, Vellore District .

For Petitioner : Mr. R.Sunil Kumar
For Respondents : Mr.R.S.Selvam for R.1 to R.5
Government Advocate
: Mr.V.R.Kamalanathan for R.6

O R D E R

The relief sought for in the present writ petition is to forbear the respondents and their men from interfering with the petitioner's peaceful possession and enjoyment of the property admeasuring an extent of 7992 sq.ft (18.3 cents) comprised in New Survey Nos.185/6 & 185/15 and patta number 67 situated at Guruvarajapalayam Village, Ambur Taluk, Vellore District .

2. The learned counsel appearing on behalf of the writ petitioner states that the petitioner is the owner of the property in respect of the property described in the present writ petition. During the year 1994, the maternal grand father of the petitioner executed a settlement deed in his favour in respect of 3 items of the properties. The settlement deed was registered as document No.1220 of 1954 in the Office of the Sub Registrar, Pallikonda, Vellore District. Prior to the settlement, the grand father of the writ petitioner was in possession and enjoyment of the property covered under the settlement deed. Pursuant to the settlement deed the petitioner claims that he is in peaceful possession and enjoyment of the properties.

3. The learned counsel for the writ petitioner states that the husband of the President, Guruvarajapalayam Village Panchayath, along with some supporters are interfering with the peaceful possession and enjoyment of the property belongs to the writ petitioner.

4. The Learned Government Advocate appearing on behalf of the respondent made a submission that the land in question is classified as "Natham Puramboke". The learned counsel for the writ petitioner objected the said submission by stating that patta has been granted. However, all these factual details ought to be verified by the revenue officials with reference to the revenue records maintained. If the classification of the land is Natham Puramboke, then the petitioner is to be construed as an encroacher. In the event of the encroachment of the public land the Competent Authorities are bound to evict all encroachers by following the procedures contemplated under the Tamil Nadu Land Encroachment Act, 1905.

5. The Government properties ought to be protected for the welfare of the public at large and there cannot be any leniency

or misplaced sympathy in respect of dealing with all such encroachers. The learned counsel for the writ petitioner states that he is the owner of the property and he inherited the property from his grand father through the settlement deed. However, this court cannot verify the genuinity or otherwise of all such documents which is to be tested before the Competent Civil Court of Law by producing the original document and by adducing evidences.

6. Thus, such complex facts and circumstances arising on account of the title, ownership or possession can never be adjudicated in writ proceedings under Article 226 of the Constitution of India. Thus, the writ petitioner is at liberty to approach the Civil Court of Law if at all he claims that he is the owner of the property. Contrarily, if the land in question is a "Natham Puramboke" land belongs to the Government, then the revenue officials are bound to initiate action against all the encroachers by invoking the provisions of the Land Encroachment Act.

7. With these observations, this Court is of an opinion that the relief as such sought for to forbear the respondents from interfering with the peaceful possession and enjoyment of the property in question cannot be granted. Accordingly the writ petition stands dismissed. However, there shall be no order as to costs. Consequently connected miscellaneous petition is dismissed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

pkn

To

- 1.The District Collector,
Vellore District,
Vellore - 632 009.
- 2.The Tahsildar,
Ambur Taluk Office,
Ambur, Vellore District - 635 802.
- 3.The Block Development Officer,
Madanur Block,
Ambur Taluk,
Vellore District.

4.The Revenue Inspector,
Agaram Block,
Agaram Village and Post,
Ambur Taluk, Vellore District.

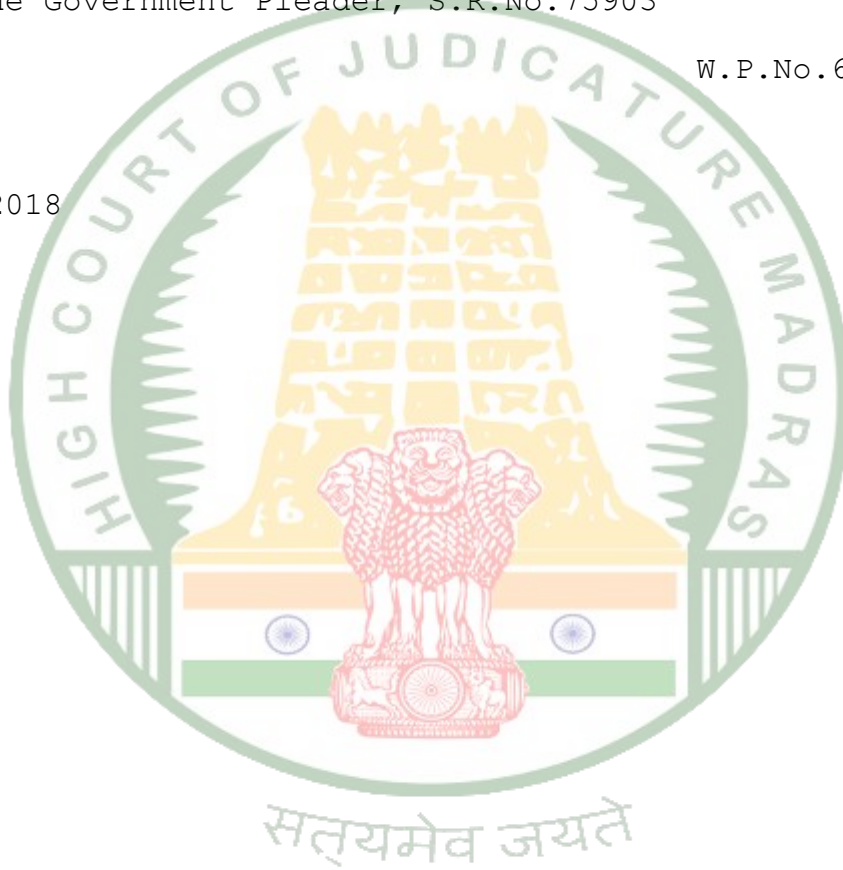
5.The Village Administrative Officer,
Guruvarajapalayam,
Guruvarajapalayam Village and Post,
Agaram Via, Ambur Taluk,
Vellore District.

+lcc to Mr.V.R.Kamalanathan, Advocate, S.R.No.75479
+lcc to the Government Pleader, S.R.No.75903

W.P.No.6682 of 2014

RJI (CO)

rrs 4/12/2018



WEB COPY