

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.16277 of 2018

A.Munirudeen Ahmed

.. Petitioner

-vs-

1. The Special Commissioner and
Principal Secretary to Land Reforms
Chepauk, Chennai 600 005
2. The District Collector
Tiruvallur District
3. The District Revenue Officer
Gummidipoondi Taluk, Tiruvallur District
4. The Revenue Divisional Officer
Gummidipoondi Taluk, Tiruvallur District
5. The Tahsildar
Gummidipoondi Taluk, Tiruvallur District
6. The Revenue Inspector
Ponneri, Tiruvallur District
7. The Village Administrative Officer
No.4, Poovalai Village
Gummidipoondi Taluk, Tiruvallur District
8. The Member Secretary
Poovalai Panchayat Union
Gummidipoondi Taluk, Tiruvallur District
9. Chinnavadan
S/o Samuvel

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the 1 to 8 respondents herein to forthwith to take action as per the representations submitted by the petitioner dated 07.07.2014, 15.12.2014, 09.04.2015 and 08.08.2016 by preventing the 9th respondent Irular community colony by trespassing into the

petitioner's patta lands comprised in Survey Nos.106/2, 106/4, 106/13 as a way to ingress and egress to reach the burial ground of Poovalai village, Gummidipoondi Taluk, Tiruvallur District and consequently directing the respondents to pass appropriate orders on his representations.

For Petitioner :: Mr.C.A.Syed Ibrahim

For Respondents :: Mr.D.Suryanarayanan
Additional Government Pleader
for R1 to 7

ORDER

This writ petition has been filed seeking a mandamus directing the respondents 1 to 8 to forthwith take action, as per the representations submitted by the petitioner dated 07.07.2014, 15.12.2014, 09.04.2015 and 08.08.2016, by preventing the 9th respondent Irular community colony from trespassing into the petitioner's patta lands comprised in Survey Nos.106/2, 106/4, 106/13 as a way to ingress and egress to reach the burial ground of Poovalai village, Gummidipoondi Taluk, Tiruvallur District with a consequential direction to the respondents to pass appropriate orders.

2. Learned counsel for the petitioner submits that the petitioner is the absolute owner of the land covered in Survey No.106/2 having an extent of 0.35.5 Hec., another land covered in Survey No.106/4 having an extent of 0.24.0 Hec., and yet another land covered in Survey No.106/13 having an extent of 1.66.0 Hec., situated at Poovalai Village, Guimmipoondi Taluk, Tiruvallur District. The petitioner is also in possession of the said land and cultivating mango trees and other crops. As the petitioner professes Islam, the said land is being used for performing Islamic rites. While so, according to the petitioner, a resolution has been passed by the local panchayat stating that a portion of the land being in possession of the petitioner for performing Islamic rites may be used by the Irular community people living in the vicinity for burying the dead. In this regard, he has given representations on various dates viz., 7.7.2014, 15.12.2014, 9.4.2015 and the same were not considered.

3. A perusal of the representation dated 9.4.2015 does not appear to show the grievance that the bodies of the people belonging to Irular community are buried in the land belonging to the petitioner. However, the learned counsel for the petitioner submitted that by trespassing the petitioner's land as a passage, the Irular community people are carrying the dead

that is causing huge mental stress and agony. It is also not there in the representation. Therefore, this Court is not inclined to entertain the writ petition. Accordingly, the writ petition stands dismissed. If the petitioner is aggrieved, he has to workout his remedy by approaching the civil Court. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ss
To

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Poovalai Panchayat Union
Gummidipoondi Taluk, Tiruvallur District

+2cc to Mr.C.A.Syed Ibrahim, Advocate, S.R.No.43000
+1cc to the Government Pleader, S.R.No.43379

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RJ(CO)
CS/16/07/18