

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:03.08.2018

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.No.17022 of 2018

1.Dr.M.N.Sadasivam,
S/o.Mr.M. Narayanan,

2.Dr. N. Nirmala Sadasivam
W/o. Dr. M.M. Sadasivam

...

Petitioners

Vs.

1.The District Collector,
Thiruvallur District,
Thiruvallur - 602 001.

2.The Revenue Divisional Officer,
Thasildhar Office, Ponneri,
Thiruvallur District,
Thiruvallur - 601 204.

3.The Thasildhar,
Thasildhar Office, Ponneri,
Thiruvallur District,
Thiruvallur - 601 204.

4. The Village Administrative Officer,
Alamathi Village, Red Hills,
Thiruvallur District,
Thiruvallur - 600 052.

5. Mr.B.Rajendran,
6. Mr. R.S. Sahul Hameed,
7. Mr.K.Elangovan,
8. Ms.A.Kalpana,
9. Ms.T.Vijayalakshmi,
10.Ms.Valarmathi,
11.Ms.Kala,
12.Mr.Sekar,
13.Mrs.Umadevi,

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14.Mr.Shanmugaraj,

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus or any other appropriate writ, order or direction in the nature of Mandamus directing the Respondent 1 to 4 to remove the encroachment caused by the Respondent 5 to 14 in respect of the Government Poramboke land classified as Thoppu Poramboke and comprised in Survey Nos.79/1, 79/2, 86/1 & 86/3 Alamathi Village, Ponneri Taluk, Thiruvallur District.

For Petitioners : Mr.V.R. Mukundakumar

For Respondents : Mr. R. Udhayakumar, AGP

O R D E R

The Petitioners are said to be the owners of the land measuring to an extent of 35 cents comprised in Survey No.78, measuring to an extent of 15 cents comprised in Survey No.86/2, measuring to an extent of 4 cents comprised in Survey No.86/4, and measuring to an extent of 3 cents comprised in Survey No.86/5. In between the boundaries of the Petitioners' land, a few acres of Government lands are located in Survey Nos.79/1, 79/2, 86/1 & 86/3, Alamathi Village, Ponneri Taluk, Thiruvallur District, which are classified as "Thoppu Poramboke". The said Government lands are in the possession of the Petitioners and the Petitioners have been paying necessary charges and they have been issued B-Memo for the past 24 years.

2. When the Petitioners were out of India, third parties have encroached upon the Government Poramboke lands for which the Petitioners have been given B-Memo and put up construction. Therefore, the Petitioners approached the Respondents to evict the private respondents by giving a representation on 31.05.2018. Since, the said representation has not been considered and no order has been passed, the Petitioners are before this Court seeking a Writ of Mandamus directing the Respondents to remove the private respondents.

3. Heard Mr.V.R.Mukundakumar, learned counsel appearing for the Petitioners and Mr.R.Udhayakumar, learned Additional Government Pleader appearing for the Respondents 1 to 4.

4.Though Mr.V.R.Mukundakumar, learned counsel appearing for the Petitioners submitted that the Petitioners are in possession of the Government "Thoppu Poramboke" by having B-Memo, Mr.R.Udhayakumar, learned Additional Government Pleader would submit that the B-Memos have been fabricated by the Petitioners with the help of VAO concerned. In this regard, a police complaint has been given by the Tahsildar on 03.08.2018 and CSR No.431 of 2018 has been obtained. The said CSR has been produced before this Court and the same is recorded.

5.Mr.R.Udhayakumar, learned Additional Government Pleader would submit that action is being taken to remove the encroachers on the Government Poramboke as per law including the Petitioners. Since action has already been initiated, the Respondents are directed to proceed with the same to evict the persons who have encroached upon the Government Poramboke land namely "Thoppu Poramboke" bearing Survey Nos.79/1, 79/2, 86/1 & 86/3, Alamathi Village, Ponneri Taluk, as per law within a period of twelve weeks from the date of receipt of a copy of this order. Call the matter after twelve weeks 'for compliance'.

6.Accordingly, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

may

To

1.The District Collector,
Thiruvallur District,
Thiruvallur - 602 001.

2.The Revenue Divisional Officer,
Thasildhar Office, Ponneri,
Thiruvallur District,
Thiruvallur - 601 204.

3.The Thasildhar,
Thasildhar Office, Ponneri,
Thiruvallur District,
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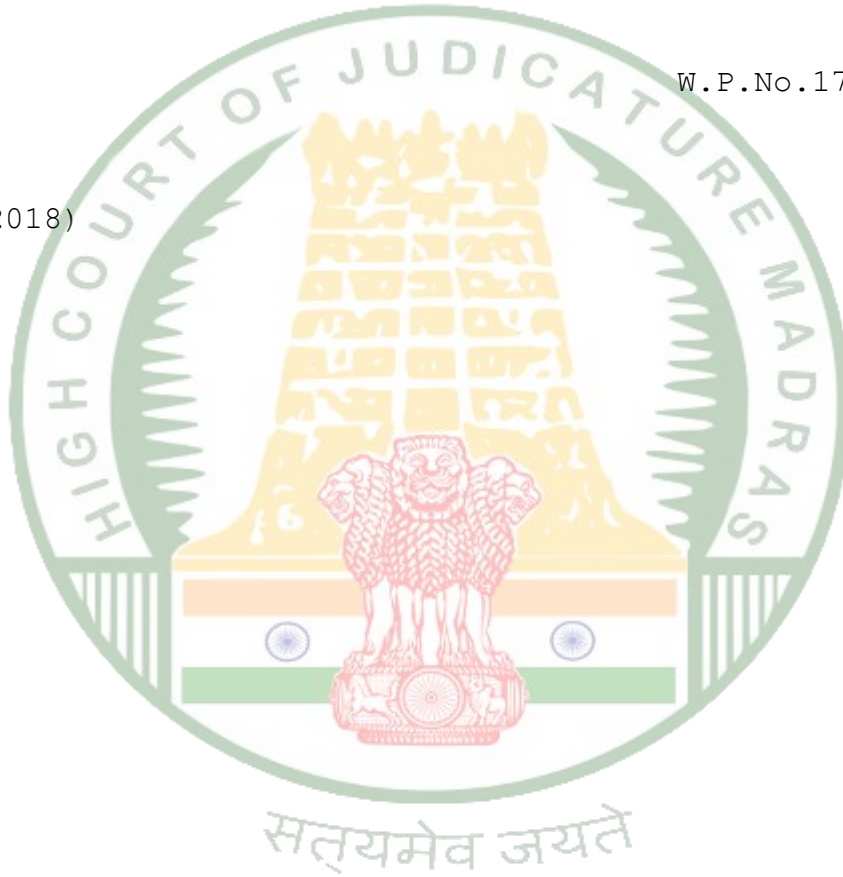
The Section officer,
Writ Section,
High court,
Madras.

(Post the matter after Twelve Weeks for Reporting Complainance)

+lcc to the Government Pleader, S.R.No. 54291

W.P.No.17022 of 2018

PA (CO)
GN(07/09/2018)



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