

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2018

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.17876 of 2018 and
W.M.P.No.21164 of 2018

A.Gopal

... Petitioner

Vs.

- 1.The District Collector,
Office of the District Collector,
Salem Main Road, Dharmapuri District.
- 2.The Revenue Divisional Officer,
O/o The Revenue Divisional Officer,
Dharmapuri.
- 3.The Tahsildar,
Taluk Office, Kariamangalam,
Dharmapuri District.
- 4.The Block Development Officer,
O/o The Block Development Officer,
Krishnagiri Main Road,
Kariamangalam, Dharmapuri District. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the 4th respondent to consider and take appropriate action on the representation of the petitioner dated 22.06.2018.

For Petitioner : Mr.M.D.Thirunavukkarasu
For Respondents : Mr.V.Jayaprakash Narayanan,
Special Government Pleader

O R D E R

This Writ Petition has been filed seeking a direction to the 4th respondent to consider the petitioner's representation dated 22.06.2018.

2.The learned counsel for the petitioner submitted that the petitioner is the owner of the agricultural land covered in Survey No.767 situated at Bandarahalli, Dharmapuri District and their family is enjoying the peaceful possession of the land, for more than 90 years from generation to generation. He has

been paying the necessary Government taxes regularly. The revenue records also show that the petitioner is the owner of the land and is enjoying the same. While so, in the month of April, 2018, the 4th respondent, suddenly, without any prior information trespassed into his land and took some soil for the purpose of testing for constructing a Government building. The 4th respondent has no jurisdiction to enter into the petitioner's private land.

3.The learned counsel also submitted that there are many Government lands available in the nearby vicinity. The 4th respondent has wantonly chosen the petitioner's land for constructing Government building only at the instigation of the local Minister and political persons with a malafide intention to harass him.

4.When this Court asked the revenue records in favour of the petitioner to prove his claim or any other document like Title Deed that would prove that he is the owner of the land, no such document was produced, except 3 tax receipts issued on 18.05.1982, 27.01.1993 and 14.02.2018, which also does not show the Survey No.767, Bandarahalli, Dharmapuri District.

5.The learned Special Government Pleader appearing for the respondents drawing the notice of this Court to page-1 of the typed set of papers filed by the petitioner submitted that although the petitioner's name is mentioned in the kist receipts, the revenue records viz., the Adangal show that the land in Survey No.767 bearing Patta No.2A is only a Palm Grove. Out of the total extent of 0.70.5 ares, the petitioner has cultivated only in an extent of 0.11.0 ares of land. However, the 3rd respondent may be directed to consider the petitioner's representation, he pleaded.

6.In view thereof, the 3rd respondent is directed to consider the petitioner's representation dated 22.06.2018 and pass orders on merits within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

va

To

- 1.The District Collector,
Office of the District Collector,
Salem Main Road, Dharmapuri District.
- 2.The Revenue Divisional Officer,
O/o The Revenue Divisional Officer,
Dharmapuri.
- 3.The Tahsildar,
Taluk Office, Kariamangalam,
Dharmapuri District.
- 4.The Block Development Officer,
O/o The Block Development Officer,
Krishnagiri Main Road,
Kariamangalam, Dharmapuri District.

+1cc to Mr.M.D.THIRUNAVUKKARASU, Advocate, S.R.No.48440
+1cc to the Government Pleader, S.R.No. 48910

W.P.No.17876 of 2018 and
W.M.P.No.21164 of 2018

TR(02/08/2018)



WEB COPY