

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2018

CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.17461 of 2010 and
M.P.No.1 of 2010

1.S.Jayalakshmi

2.K.Ramadoss

3.K.Anandan

...Petitioners

Vs

1.The Collector,
Tiruvellore District,
Tiruvellore.

2.The District Revenue Officer,
Thiruvallur, Thiruvallur District.

3.The Tahsildar,
Poonamalee, Thiruvallur District,
Chennai 56.

4.The President,
Sorancheri Panchayat,
Bajanai Koil Street, Anaikatticheri Village,
Sorancherri Post, Chennai 600 072.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, to forbear the respondents herein from in anyway interfere with peaceful possession and enjoyments of the petitioners Patta lands at Survey Nos.24/7, 26/2, 24/8, 25/2, 44/6, 44/8, 44/10 and 44/11 in Annaikattacheri Village, Poonamallee Taluk, Thiruvallur District either for laying roads for cremation/Burial ground or for any other manner whatsoever.

For Petitioners : Mr.C.Umashankar

For Respondents : Mr.V.Shanmugasundar,
Special Government Pleader

O R D E R

The writ petition has been filed to issue a mandamus, forbearing the respondents from interfering with the peaceful possession and enjoyment of the petitioners' Patta lands in Survey Nos.24/7, 26/2, 24/8, 25/2, 44/6, 44/8, 44/10 and 44/11 in Annaikattucheri Village, Poonamallee Taluk, Thiruvallur District either by laying roads for cremation/burial ground or in any other manner.

2. On 12.07.2018, when the matter was taken up for consideration, the learned counsel for the petitioners has submitted that the lands in question are the ancestral lands and without properly verifying the revenue records, the then President of Sorancheri Panchayat proceeded to lay a road, which caused unbearable disturbance to the petitioners' enjoyment. According to the learned counsel, the lands in question had already been encroached by the Government authorities for laying road, whereas the same was stoutly denied by the learned Special Government Pleader appearing for the respondents. According to him, the petitioners had attempted to encroach the Government lands and the revenue records show certain Survey numbers as not absolutely belonging to the petitioners, since the same are situated abutting the water bodies.

3. This Court, upon hearing the rival submissions, passed an interim order on 12.07.2018, appointing an Advocate Commissioner to verify the revenue records and ascertain as to who is the actual title holder of the lands in question.

4. Pursuant to the same, the Advocate Commissioner inspected the lands in question with the assistance of the local Surveyor and Tahsildar and submitted a detailed report dated 30.07.2018, wherein, it has been averred as follows:-

"With my above observation, I hereby conclude my report stating that there is no encroachment by the petitioners in Survey No.26/1 and 25/1. Further the said canal is converted into mud road which is also running through the petitioners' lands in Survey No.25/2 & 44/6A. As far as other Survey nos.24/7, 26/2, 24/8, 44/8, 44/10 and 44/11 are concerned, they belong to as per records and further agricultural activities going on at the time of inspection of petitioners' land."

5. Today, when the matter is taken up for hearing, the learned Special Government Pleader, after getting instructions from the officials concerned, fairly submitted that the petitioners' possession is not sought to be disturbed by the Government authorities.

6. In view of the above submission made by the learned Special Government Pleader, this Court is of the opinion that no further order is required to be passed in this writ petition. Hence, recording the above submission, the writ petition stands closed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

gsk/rk

To

- 1.The Collector,
Tiruvellore District,
Tiruvellore.
- 2.The District Revenue Officer,
Thiruvallur, Thiruvallur District.
- 3.The Tahsildar,
Poonamalee, Thiruvallur District,
Chennai 56.

+1cc to Mr.C.Umashankar, Advocate sr.no.55517
+1cc to Government Pleader sr.no.56430

W.P.No.17461 of 2010

nr 30/10/2018

सत्यमेव जयते

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