

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.A.No.2400 of 2018,
C.M.P.Nos.19246 and 19251 of 2018

P.PERUMAL

Appellant/Petitioner

Versus

- 1 THE DISTRICT COLLECTOR
VELLORE DIST- AT VELLORE
- 2 THE SUB COLLECTOR
THIRUPATHUR TALUK VELLORE DISTRICT
- 3 THE TAHSILDAR
VANIYAMPADI TALUK VELLORE DISTRICT
- 4 THE VILLAGE ADMINISTRATIVE OFFICER
KOTHAKOTTAI VILLAGE VANIYAMPADI TALUK
VELLORE DISTRICT
- 5 THE DIST FOREST OFFICER
THIRUPATHUR DIVISION VELLORE DISTRICT

Respondents/Complainant

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 9.8.2018 passed in W.P.No.26562 of 2017 on the file of this court.

W.P.No.26562 of 2017:

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of certiorarified Mandamus to call for the records relevant to the order in Moo. Mu.(A6)/3723/ 2017 dated 04.09.2017 passed by the 2nd respondent and quash the same as illegal improper unreasonable arbitrary and against the principles of natural justice and thereby direct the 3rd respondent to issue patta in the name of petitioner in respect of the property situated in Survey No.340/2 Kothakottai Village Vaniyambadi Taluk Vellore District Totally to an extent of 1 acre 55 cents on the light of the proceedings of the 1st respondent in O.Mu.Pi./5549/ 2016 dated 23.05.2016.

For appellant : Mr.A.Rajesh Kanna

For respondents : Mr.P.S.Sivashanmugasundaram
Special Government Pleader

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the appellant and Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader, who takes notice on behalf of the respondents.

2. The writ appeal has been filed by the writ petitioner, challenging the order passed by the learned Single Judge in dismissing the writ petition filed by him seeking a direction for issuance of patta for the land in question.

3. Claim for patta for the land in occupation of the appellant/writ petitioner and refusal of such claim by the authorities is the issue raised by the appellant/writ petitioner. The case of the appellant/writ petitioner is that the land in question is a Government Poramboke. But, on perusal of the documents produced by the appellant/writ petitioner and on appreciating the stand taken on behalf of the authorities that the land in question is classified as Reserve Forest, the learned Single Judge has rejected the claim of the appellant/writ petitioner. The learned Single Judge has also observed in para 6 of the order that it is the uniform practice in the State that the subordinate officials are in connivance with certain private parties, allowing to encroach the Government land on extraneous circumstances and it is the duty of the District collector to ensure that all such unauthorised occupation be taken seriously and no leniency or misplaced sympathy can be shown in case of such encroachments.

4. Having heard the learned counsel appearing for the parties and perused the materials available on record, in the light of the order passed by the learned Single Judge, We do not find any scope for interference with the order passed by the learned Single Judge. The writ appeal is dismissed. No costs. The connected miscellaneous petitions are also dismissed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

ssk.

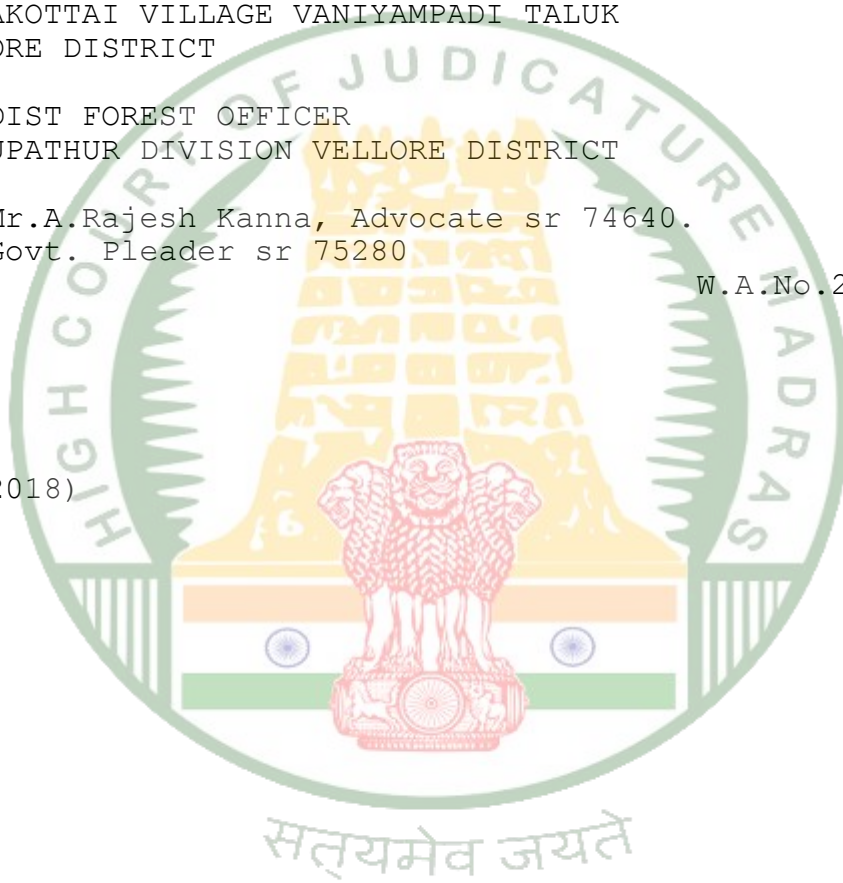
To:

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+1 CC to Mr.A.Rajesh Kanna, Advocate sr 74640.
+1 CC to Govt. Pleader sr 75280

W.A.No.2400 of 2018

MR(CO)
SP(07/12/2018)



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