



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE **M.SATHYANARAYANAN**
and
THE HONOURABLE MRS.JUSTICE **R.HEMALATHA**

W.P(MD)No.19135 of 2017

1.Ramasamy
2.Patchiyammal
3.Ramar

.. Petitioners

Vs.

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.

2. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.

3. The Tahsildar,
Taluk Office,
Paramakudi,
Ramanathapuram District.

4. Karuppaiah
S/o.Poochi

5. Karuppaiah,
S/o.Ponnusamy

6.Selvakumar

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 to 3 to take appropriate action on the petitioner's representation dated 19.08.2017 and remove the encroachments put up by the respondents 4 to 6 in Survey No.620 at Oorakudi Village, Pudukkudi Post, Vazhimarichan Revenue Group, Paramakudi Taluk, Ramanathapuram District.



For Petitioners : Mr.D.Senthil
For R-1 to R-3 : Mr.M.Murugan,
Government Advocate
For R-4 to R-6 : Mr.PT.S.Narendravasan

ORDER

[Order of the Court was made by **M. SATHYANARAYANAN, J.**]

By consent, the main writ petition itself, is taken up for final disposal.

2.Mr.M.Murugan, learned Government Advocate appears for R-1 to R-3 and Mr.PT.S.Narendravasan, learned counsel appears for R-4 to R-6.

3.The petitioners in the affidavit filed in support of this Writ Petition styled as 'Public Interest Litigation', would aver among other things that in his village, the land in Survey No.620 has been originally classified as Government Poramboke and patta was issued to the persons, who are in possession of the said land and a survey was also done and in which, it is classified as Government Poramboke and it is used as Cart Track to reach the lands and on contribution from all the community people irrespective of castes, a temple namely 'Raja Temple' was constructed on the North Western side of the Government Poramboke land in Survey No.620 and adjacent to the said temple, a vacant land is situated admeasuring to an extent of 7 cents.

4. The grievance expressed by the petitioners is that respondent Nos.4 to 6 have encroached upon the adjacent portion of the said land and started putting up superstructures without any planning permission or approval and in this regard, a representation dated 19.08.2017 and a reminder representation dated 14.09.2017 have been submitted to respondent Nos.2 and 3 and in spite of receipt and acknowledgment of the same, no action has been taken and therefore, the petitioner came forward to file this Writ Petition.

5. The learned counsel appearing for the petitioners would submit that as per the revenue records, the land in survey No.620 of Oorakudi village, is classified as Government Poramboke and the temple is also located and the private respondents have encroached upon the said lands and therefore, they are bound to be evicted by following the due process of law and prays for appropriate orders.

<https://hcservices.ecourts.gov.in/hcservices>
6. The learned Government Advocate appearing for R-1 to R-3 would submit that inspection of the land in question will be done and depending upon the same, action will be taken in accordance



with law.

7. Mr.PT.S.Narendravasan, learned counsel appearing for respondents 4 to 6 on instructions would submit that the said respondents did not encroach upon the land and whereas the petitioners had encroached upon the land adjacent to the temple and started putting up superstructures without any planning permission or approval and further pointed out that as per the entries, in Natham Land Scheme, the land in Survey No.620 is classified as 'Raja Kovil' admeasuring to an extent of 0.13.50 ares and as such, action has to be taken against the petitioners only.

8. This Court heard the rival submissions and perused the materials placed before it.

9. Though the petitioners pray for a larger relief, this Court, in the light of the aforesaid facts and circumstances of the case and without going into the merits of the claim projected either by the Petitioners or by respondent Nos.4 to 6, directs the third respondent to cause inspection of the land in Survey No.620 of Oorakudi village, Pudukkudi Post, Vazhimarichan Revenue Group, Paramakudi Taluk, Ramanathapuram District, with the help of the jurisdictional Surveyor and if encroachments are found, follow the due process of law and evict the encroachers and inform the decision taken, to the petitioners as well as to the encroachers, within a period of three months from the date of receipt of a copy of this order.

10. The Writ Petition stands disposed of accordingly. No costs.

Sd/-
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Paramakudi,

<https://hcservices.paramakudi.in/> Ramanathapuram District.



3.The Tahsildar,
Taluk Office,
Paramakudi,
Ramanathapuram District.

+ 1 cc TO Mr.PT.S.Narendravasan , Advocate in SR No. 40611
+ 1 cc TO Mr.D.Senthil , Advocate in SR No. 40548
+ 1 cc TO The Special Government Pleader in SR No. 40801

pm

AE/SV MMS/SAR1/19.01.2018/4P/7C

ORDER MADE IN
W.P (MD) No.19135 of 2017
05.01.2018