

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 11.12.2019
CORAM
THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.3469 of 2019

Mr.M.Narayanan

.. Petitioner

..Vs..

1.The District Collector
Villupuram,
Villupuram District.

2.The Tahsildar
Vanur,
Vanur Taluk,
Villupuram District.

3.The Village Administrative Officer
Pulichampallam Village,
Vanur Taluk,
Villupuram District.

.. Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to decide the representation of the petitioner dated 13.11.2018 made through his advocate on merits and in accordance with law within a reasonable time as may be determined by the Court.

For Petitioner : M.Radhakrishnan
For R1 to R3 : Mrs.P.Rajalakshmi,
Additional Government Pleader.

O R D E R

This petition has been filed in the nature of Writ of Mandamus directing the 1st respondent namely, the District Collector, Villupuram District, to consider the representation of the petitioner dated 13.11.2018.

2. The Advocate for the petitioner M.Radhakrishnan had issued notice dated 13.11.2018 to the District Collector, Villupuram, Tahsildar Vanur Taluk and Village Administrative Officer, Pulichampallam Village, Vanur Taluk, Villupuram District, stating that his client M.Narayanan who is the writ petitioner herein is having office of his Trust namely National Social, Economic, Educational Development Trust at "Mandhaiveli Poromboke" land in Survey No.227/5, Pulichampallam Village to an extent of 0.65.0 ares.

3. It is stated that the writ petitioner is the Managing Director of the said Trust and the said Trust was engaged in the Social, Economic and Educational Development of the people residing at Vanur Taluk and other surrounding villages. It had been functioning from the year 2006. It is stated that the activities of the Trust had been recognized by the Government of Tamil Nadu including the 1st respondent. It was stated that the trust conducted free medical camp for the villages and also distributed free text books to the poor students.

4. It is stated that on 02.11.2018, the petitioner was shocked to found two persons sitting on the roof of the Trust office and it was stated that the said two persons were Mr.Arul, Village Assistant, Pulichapallam and Mr.Sadasivam, Village Assistant, Pulichapallam. The person who was instructing the above two persons was Mr.Jumbukanth, Village Administrative Officer, Pulichapallam. Thereafter they demolished the trust building and they also cut the trees and removed the Books, CDs, Laptop, Camera, Sarees and Publications. Consequently, the learned counsel for the petitioner herein had issued a notice stating that immediate reconstruction of the trust office should be conducted and possession should also be given and a sum of Rs.10,00,000/- should be given towards the damages and also the District Collector should initiate appropriate disciplinary action against the 3rd respondent and also against the Village Assistants.

5. In this connection, a counter affidavit was filed by the respondents on appearance through notice. The grievances of the learned counsel for the petitioner is that the 1st respondent had not filed the counter and the Tahsildar has filed a counter. In the counter affidavit originally filed, it is stated by the 2nd respondent, Tahsildar, that the land is Mandaveli Poramboke Government land and it had been resumed by the order of the 1st respondent back to the Government for construction of District Munsif cum Judicial Magistrate Court at Vanur. It was further stated that an area of 0.65.0 ares in S.No.227/5 in Pulichapallam Revenue Village, had been identified. It was further stated that plan estimate and expenditure incurred has been communicated by the Engineer-in-Chief and thereafter, High Court of Madras had also granted permission for construction of Court building for a sum and future provision for Rs.662.50 lakhs for the said work in Vanur. Possession of the land was also taken. But however, the construction of Court building could not be commenced. It was stated that the land was transferred by following entire procedures. It was stated that the writ petition has been filed by the petitioner without challenging the proceedings of the respondents.

6. This Court, on 30.09.2019 had directed the respondents to file an additional counter affidavit. It was stated that with respect to the very same land a public Interest Litigation in W.P.No.31303 of 2018 had been filed by one P.Dakshinamoorthi and this Court had also granted resumption of the land for construction of Court building. In the additional counter affidavit, it had been stated that the petitioner was in possession by encroachment of Government property and other averments were denied as false. It is stated that no building existed in the property. It is stated that, now the land had been transferred by the Revenue Department to the Judicial Department.

7. Heard learned counsel for the petitioner and also the learned Additional Government Pleader who takes notice and filed counter on behalf of the respondents.

8. It is the contention of the learned counsel for the petitioner that notice prior to resumption of the land was not given to the petitioner. However, this fact is strictly denied by the learned counsel for the respondents. It is stated that resumption of the land was also taken, owing to orders of this Court in W.P.No.31303 of 2018 by order dated 18.02.2019. Entire procedure was followed. The petitioner was the encroacher on the Government land. He had put up building there, he had no right to continue to be in occupation.

9. It was the contention of the learned counsel for the petitioner that if the building can be demolished, he would welcome the same. That is an aspect which the petitioner can reflect on and it is not for this Court to answer that submission. At any rate, as on date the land had been resumed by the Government and handed over by the Revenue Department to the Judicial Department.

10. In view of the above observations, the relief sought for cannot be acceded to. Accordingly, this Writ Petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CS-VI)

// True Copy//

Sub Assistant Registrar

smv

To

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Vanur Taluk,
Villupuram District.
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Villupuram District.

+1cc to Mr.M,.Radhakrishnan, Advocate, SR.No.103399.

W.P.No.3469 of 2019

RSK(CO)
CSR:21/01/2020