

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.10.2019

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.30534 of 2019

S.Arokiasamy @ R.Swamy Petitioner
Versus

1.Additional Chief Secretary
and Commissioner for Land Administration
Ezgilagam, Chepauk,
Chennai 600 005.

2.Principal Secretary and
Commissioner of Revenue Administration
Ezhilagam, Chepauk,
Chennai 600 005.

3.The Director,
Department of Survey and Settlement
Survey House,
Chepauk, Chennai 600 005.

4.The Director
Department of Town and Country Planning
807, Anna Salai, Chennai 600 002.

5.The District Collector
O/o.The District Collector,
Vengikkal Village & Post,
Thiruvannamalai Taluk & District
PIN-606604.

6.The District Revenue Officer,
O/o.The District Collector,
Vengikkal Village & Post,
Thiruvannamalai Taluk & District
PIN-606604.

- 7.The District Superintendent of Police
O/o.District Superintendent of Police
Vengikkal Village & Post,
Thiruvannamalai Taluk & District
PIN-606604.
- 8.The Assistant Director,
O/o.The Assistant Director
Ex-Service Man Welfare
District Collector's Master Plan Complex
Vengikkal Village & Post
Thiruvannamalai Taluk & District
PIN-606604.
- 9.The Assistant Director,
O/o.The Assistant Director
Survey and Records,
District Collector's Master Plan Complex
Vengikkal Village & Post
Thiruvannamalai Taluk & District
PIN-606604.
- 10.The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Tindivanam Road,
Thiruvannamalai Town & Taluk,
Thiruvannamalai District,
Pin-606 601.
- 11.The Tahsildar,
O/o.The Tahsildar,
Chengam Town and Taluk,
Thiruvannamalai District,
PIN 606 701.
- 12.The Deputy Superintendent of
Police O/o. The Deputy Superintendent of
Police Thukkappet Chengam Town and Taluk
Thiruvannamalai District PIN 606 701
13. The Deputy Superintendent of
Police (Anti Land Grabbing Cell) O/o. The
Deputy Superintendent of Police Thukkappet
Chengam Town and Taluk Thiruvannamalai
District PIN 606
- 14.The Commissioner
Panchayat Union Chengam Chengam Town and
Taluk Thiruvannamalai District

- 15.The Zonal Deputy Tahsildar
O/o. The Revenue Tahsildar Chengam Taluk
Office Campus Chengam Town and Taluk
Thiruvannamalai District PIN 606 701
- 16.The Deputy Block Development
Officer (Village Panchayat) Panchayat
Union Chengam Chengam Town and Taluk
Thiruvannamalai District
- 17.The Taluk Head Surveyar /
The Deputy Inspector of Survey Chengam
Taluk Office Campus Chengam Town and Taluk
Thiruvannamalai District PIN - 606 701.
- 18 The Inspector of Police

(Law and Order) Melchengam Police Station
Melchengam Village Melpallipattu Post
Chengam Taluk Thiruvannamalai District -
606 703
- 19.The Revenue Inspector
O/o. The Pachchal Revenue Firka Pachchal
Village and Post Chengam Taluk
Thiruvannamalai District - 606 704
- 20.The Firka Surveyar
O/o. The Firka Surveyar Pachchal Revenue
Firka Pachchal Village and Post Chengam
Taluk Thiruvannamalai District - 606 704.
- 21.The Sub Inspector of Police
Pachchal Police Station Pachchal Village
and Post Chengam Taluk Thiruvannamalai
District - 606 704.
- 22.The Village Administrative Officer
O/o. The Village Administrative
Office Kannakurukkai Revenue Village
Pachchal Post Chengam Taluk
Thiruvannamalai District - 606 704.
- 23.S.Thirumalai,
Former Village Administrative of
Kannakurukkai Revenue Village,
Present working as Village Administrative Officer,
Thokkavadi Village,Thokkavadi Post,
Chengam Taluk,
Thiruvannamalai District-606 704.

24.P.Durairaj

25.G.Chinnaiyan

26.C.Govindaraj

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Respondents

PRAYER:- Writ petition filed under Article 226 of the Constitution of India prays to issue a Writ of Mandamus directing the Respondent 5 10 11 14 and 16 to remove the illegal construction made by the 25th and 26th Respondents herein and direct the 7 12 13 18 and 21 Respondents herein to take action offence under Commission of Anti Land Grabbing Act and direct the 5th 6th 10th and 11th Respondents herein to issue permanent Patta to the Petitioners land and house in Survey No. 88/1A and Sub Division No. 118/5 measuring an extent about (0.015 Ahrs) 1453 1/4 square feet situated at Door No. 324 T.V. Room Street Beemanandal Village Pachchal Post Chengam Taluk Thiruvannamalai District after cancel the temporary patt of Naththam-Live-over case' (நத்தம் நிலுவை இனம்) on the Petitioner's last representation dated 25.09.2019.

For Petitioner : Mr.Dalit Tiger C.Ponnusamy

For Respondents : Mr.P.Sivashanmugasundaram
Special Government Pleader

ORDER

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

The petitioner claims to be an Ex-Army man, aged about 85 years and he and his family are in possession and enjoyment of the house and plot measuring an extent of 0.015 ahrs, 1453 ¼ square feet in S.No.88/1A, Sub Division No.118/5, Door no.324, T.V.Room Street, Beemanandal Village, Pachchal Post, Chengam Taluk, Thiruvannamalai District. It is the claim of the petitioner that the said plot and the superstructure are hereditary in nature. He and his predecessor are in possession of the said property right from the year 1900. The grievance expressed by the petitioner is that some private respondents have encroached upon the said land and started putting up some constructions without any planning permission whatsoever and repeated representations were submitted, based on which, the 1st respondent has sent a communication dated 13.08.2019 to the Sub Inspector of Police, Pachal Police Station to take appropriate action and despite that no action has been taken by the concerned official.

2. Attention of this Court was also invited to the communication of the 10th respondent dated 24.07.2019 in Na.Ka.No.A3/4279/2019 addressed to the 11th respondent, to cause removal of encroachments and maintain the account pending and take other appropriate action. In the light of the alleged encroachment and unauthorised construction, the learned counsel appearing for the petitioner would submit that the petitioner is an Ex-Army personnel and therefore, some sensitivity is to be shown to his representation and despite a positive direction issued by the 10th respondent to the 11th respondent, nothing is moving forward and the petitioner has also submitted a detailed representation dated 25.09.2019 to the 10th respondent and despite receipt and acknowledgment, no action whatsoever has been taken to alleviate the grievance of the petitioner and hence prays for appropriate order.

3. Mr.P.Shivashanmugasundaram, learned Special Government Pleader accepts notice on behalf of respondents 10, 11, 21 and 22.

4. In the light of the above facts and circumstances, this Court. without going into the merits of the claim projected by the petitioner either in his representations or in this Writ petition, directs the Revenue Divisional Officer, Thiruvannamalai District / 10th respondent to consider and dispose of the petitioner's representation dated 25.09.2019 on merits and in accordance with law, after putting the petitioner on notice as well as the private respondents and pass orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision to be taken, to the petitioner as well as to the private respondents.

5. The writ petition stands disposed of with the above direction. No costs.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1.Additional Chief Secretary
and Commissioner for Land Administration
Ezgilagam, Chepauk,
Chennai 600 005.

2. Principal Secretary and
Commissioner of Revenue Administration
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Office Campus Chengam Town and Taluk
Thiruvannamalai District PIN 606 701
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Thiruvannamalai District - 606 704

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District - 606 704.

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O/o. The Village Administrative
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Pachchal Post Chengam Taluk
Thiruvannamalai District - 606 704.

+1cc to Mr.Dalit Tiger C.Ponnusamy , Advocate SR.No. 89498

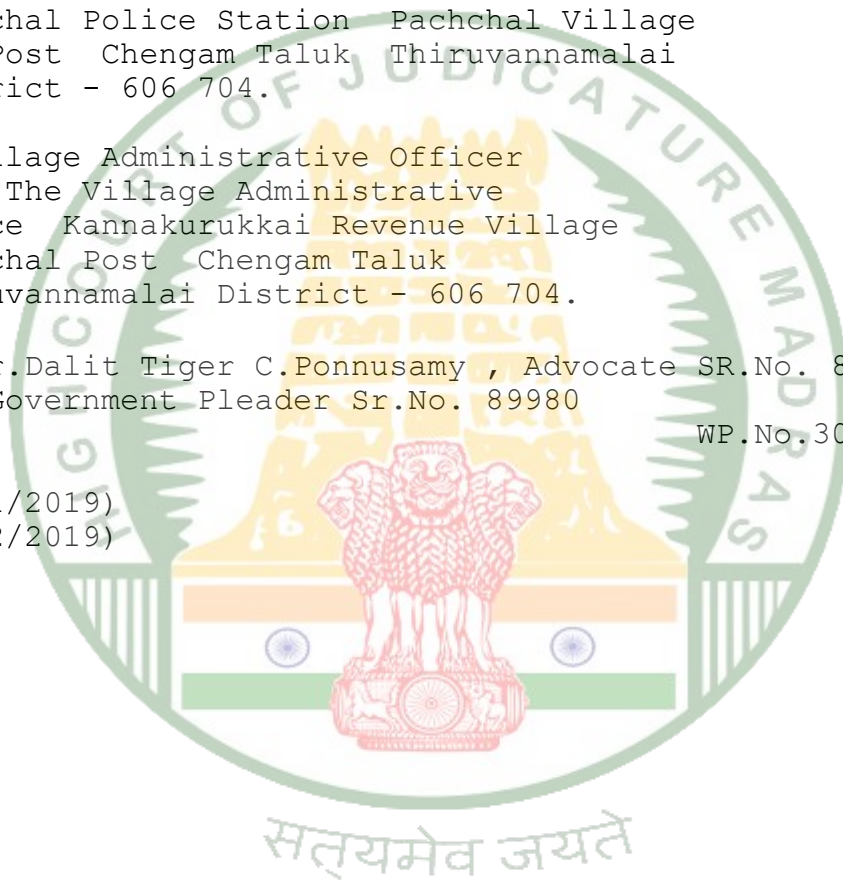
+1 cc to Government Pleader Sr.No. 89980

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A.SK(28/11/2019)

A.SK(11/12/2019)



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