

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2019

CORAM:

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
AND
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.NOS.32830 AND 32834 OF 2019

T.K.Raja ... Petitioner in W.P.No.32830 of 2019

T.K.Ravi ... Petitioner in W.P.No.32834 of 2019

vs.

1. The State of Tamil Nadu,
rep. by its Secretary to Government,
Land Administration Department,
Fort St.George, Chennai 600 009.
2. The District Collector,
Vellore District,
Vellore 632 009.
3. The Tahsildar,
O/o.The Tahsildar,
Krishnagiri Road,
Thirupathur - 635 601,
Vellore District. Respondents in both W.Ps.

Writ Petitions filed under Article 226 of the Constitution of India seeking to issue writ of Certiorari, calling for the records from the Respondents, the impugned eviction proceedings in Na.Ka.P1/27978/2019, dated 22.10.2019 and quash the same.

For Petitioner in both W.Ps. : Ms.M.Chithira Gomathy
For Respondents in both W.Ps. : Mr.Akhil Akbar Ali,
Government Advocate

C O M M O N O R D E R
(Order of the Court made by M.M.SUNDRESH,J.)

Petitioners have come up with the above Writ Petitions, challenging the order passed in the Appeal Petitions, which inter alia confirms the order of the Original Authority, holding

that the land in question has been encroached. Inasmuch as, it is a factual finding, we are not inclined to interfere with the same.

2. On a perusal of the impugned order, we find that, all the factual aspects have been taken up and the Petitioners have been given sufficient opportunities. After all, it is the Petitioners, who have filed the Appeals.

3. Learned counsel for the Petitioners submitted that the request of the Petitioners for leasing out the vacant land in question, for rent, may be considered.

4. Incidentally, learned counsel for the Petitioners submitted that, a wrong provision has been quoted in the impugned order.

5. The said submission of the learned counsel for the Petitioners, stands rejected, as, mere quoting of a wrong provision, is not a ground to interfere with the impugned order, in view of the fact that, it is the Petitioners who have filed the Appeals, which have been disposed of on merits.

6. As far as the submission made by the learned counsel for the Petitioners, regarding leasing out the vacant land for rent, we are of the view that the same shall be considered by the 2nd Respondent. Petitioners are at liberty to make a representation to the 2nd Respondent/District Collector, Vellore District, in this regard, within a period of four weeks from the date of receipt of a copy of this order.

7. On receipt of such representation from the Petitioners, the 2nd Respondent shall consider the same on merits and in accordance with law, within a further period of six weeks. Till appropriate orders are passed, there shall be an order of status quo.

Writ Petitions are disposed of accordingly. No costs. Consequently, connected W.M.P.No.33259 of 2019 in W.P.No.32830 of 2019 and W.M.P.No.33260 of 2019 in W.P.No.32834 of 2019 are closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

aeb

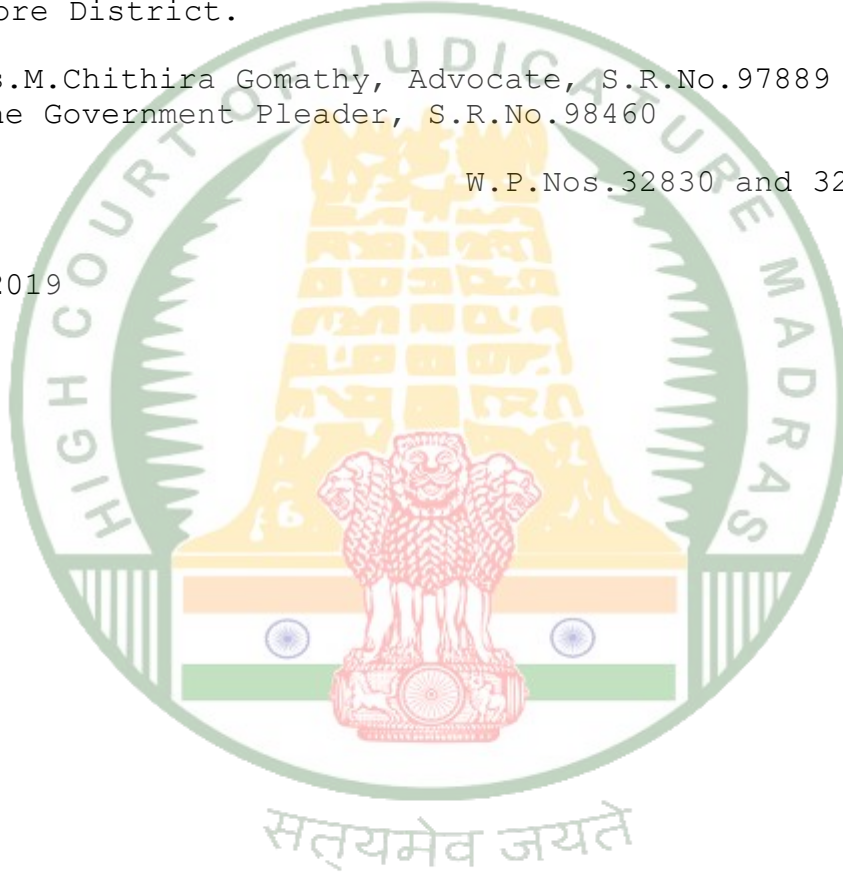
To:

1. The Secretary to Government,
State of Tamil Nadu,
Land Administration Department,
Fort St. George, Chennai 600 009.
2. The District Collector,
Vellore District, Vellore 632 009.
3. The Tahsildar, O/o.The Tahsildar,
Krishnagiri Road, Thirupathur - 635 601,
Vellore District.

+2cc to Ms.M.Chithira Gomathy, Advocate, S.R.No.97889 & 97890
+1cc to the Government Pleader, S.R.No.98460

W.P.Nos.32830 and 32834 of 2019

VSNI(CO)
CS/18/12/2019



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