

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.08.2019

CORAM :

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.28360 of 2018

R.Venkataraman

.. Petitioner

Vs.

- 1.The Chief Secretary to Government,
Government of Tamil Nadu,
Fort St. George, Chennai - 600 009.
- 2.The Principal Secretary to Government,
Government of Tamil Nadu,
Revenue Department,
Fort St.George, Chennai - 600 009.
- 3.The Additional Chief Secretary &
Land Commissioner,
Government of Tamil Nadu,
Ezhilagam Building, Chempauk,
Chennai - 600 005.
- 4.The Principal Secretary to Government,
Government of Tamil Nadu,
Public Works Department,
Fort St.George, Chennai - 600 009.
- 5.The District Collector,
Thanjavur District, Thanjavur.
- 6.Sri Pasupatheeswara Swamy (name of the God)
rep by the Executive Officer - HR & CE,
Sri Pasupatheeswarar Temple,
Panadanallur Thiruvidaimaruthur Taluk,
Thanjavur District - 609 807.
- 7.Srimathi Sugantala
- 8.Thaikaal Mosque Management,
Sivan South Street,
Panadanallur Thiruvidaimaruthur Taluk,
Thanjavur District - 609 807.

- 9.Srimathi Pappu Ammal
- 10.Kalaiselvan
- 11.Ganesan
- 12.Mohammed
- 13.Senthil
- 14.Thaiyal Nayagi
- 15.Ramaswamy
- 16.S.Gunasekaran
- 17.Abdul Latheef
- 18.Sunderammal
- 19.Thangaraj
- 20.Moorthi
- 21.Balakrishnan
- 22.Kalyani
- 23.Asla Mariyam
- 24.Valli
- 25.Ramamoorthi
- 26.Chinnaiya
- 27.Kasinathan
- 28.Jafurulla Khan
- 29.Siluvai Mary
- 30.Salamath Nisha
- 31.Usha
- 32.Annadurai
- 33.Haji Natchia
- 34.Sengutuvan
- 35.Thayilnayagi
- 36.Manivannan
- 37.Mahendran
- 38.Rangammal
- 39.Shanmugha Sundaram
- 40.Chandrasekar
- 41.Karthikeyan

.. Respondents

(R6 to R41 impleaded vide order dated 01.11.2018 made in W.M.P.No.33966 of 2018 in W.P.No.28360 of 2018)

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of mandamus directing the 3rd respondent to consider the petitioner's representation dated 25.09.2018 pending on the file of the 5th respondent within a time frame to remove the encroachment in the water bodies in Survey Nos.207, 208, 210, 211, 212 and 222 and in other water channels and poramboke lands in the Pandanallur Village, Thiruvudaimaruthur Taluk, Thanjavur District - 609 807.

Petitioner : Mr.R.Venkataraman, party-in-person

For Respondents: Mr.V.Jayaprakash Narayanan,
Government Pleader (i/c) (R1 to R5)

Mr.R.Murali
for Mr.K.Sitharthan (R7, R10, R18, R31 & R39)

No appearance - R6, R8, R11 to R16,
R20 To R22, R25, R29, R33

Not ready in notice - R9, R17 to R19, R23, R24,
R28, R30, R32, R34 to R38, R40, R41

Deceased - R17, R26, R27, R37 & R38

O R D E R

(ORDER OF THE COURT WAS MADE BY M.DURAI SWAMY, J.)

The petitioner, appearing in person, has filed the above Writ Petition to issue a Writ of Mandamus directing the 3rd respondent to consider the petitioner's representation dated 25.09.2018 pending on the file of the 5th respondent to remove the encroachment in the water bodies in Survey Nos.207, 208, 210, 211, 212 and 222 and in other water channels and poramboke lands in the Pandanallur Village, Thiruvidadaimaruthur Taluk, Thanjavur District - 609 807.

2.On a perusal of the representation dated 25.09.2018 given by the petitioner, it could be seen that the said representation was given to the Additional Chief Secretary to Government and Commissioner of Land Administration, Chennai.

3.The learned Government Pleader (i/c) appearing for the respondents 1 to 5 submitted that the appropriate authority to consider the petitioner's representation for removing the encroachment is the Tahsildar and not the Additional Chief Secretary to Government and Commissioner of Land Administration.

4.Since the petitioner's representation dated 25.09.2018 is not addressed to the Tahsildar, no direction can be given to the Additional Chief Secretary for considering the petitioner's representation to remove the encroachment. It is also pertinent to note that earlier the

petitioner filed a Writ Petition in W.P.No.1151 of 2017 to issue a Writ of Mandamus directing the respondents to remove the encroachment on the water bodies in Vannikudi Village and water bodies comprised in Survey Nos.207, 208, 210, 211, 212 and 222 of Pandanallur Village. The Division Bench of this Court, by order dated 18.01.2017, disposed of the Writ Petition by recording the submissions of the learned Additional Government Pleader to the effect that the lands were surveyed and that they belong to the HR & CE Department and thus necessary action is proposed to be taken to hand over the land to HR & CE Department and that the HR & CE Department will commence and complete the action in accordance with law within a period of three months thereafter.

5.Now, it is brought to the notice of this Court that the petitioner has also filed a Contempt Petition for the disobedience of the order dated 18.01.2017 made in W.P.No.1151 of 2017 and the same is also pending.

6.The petitioner, appearing in person, submitted that some of the encroachers have filed a Writ Petition in W.P. (MD).No.17471 of 2019 before the Madurai Bench of Madras High Court and this Court, on 07.08.2019, had granted an interim order. Further, the petitioner has stated that only because of the interim order granted by this Court, the authorities are not taking steps to remove the encroachment.

7.Since the petitioner has not given his representation to the proper authority, we are of the view that the petitioner can be given liberty to give fresh representation to the concerned Tahsildar to remove the encroachment made by the encroachers. In these circumstances, we give liberty to the petitioner to give a fresh representation to the jurisdictional Tahsildar and on receipt of the same, the Tahsildar shall pass orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after giving notice to all the interested parties.

8.With these observations, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1.The Chief Secretary to Government,
Government of Tamil Nadu,
Fort St. George, Chennai - 600 009.

2.The Principal Secretary to Government,
Government of Tamil Nadu,
Revenue Department,
Fort St.George, Chennai - 600 009.

3.The Additional Chief Secretary &
Land Commissioner,
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Ezhilagam Building, Chepauk,
Chennai - 600 005.

4.The Principal Secretary to Government,
Government of Tamil Nadu,
Public Works Department,
Fort St.George, Chennai - 600 009.

5.The District Collector,
Thanjavur District, Thanjavur.

+1cc to Mr.k.sitharthan , Advocate SR.No. 71952

+1 cc to Government Pleader Sr.No. 72673

+1 cc to Spl Government Pleader(HR and CE) Sr.No. 72876

W.P.No.28360 of 2018

BP (CO)
A.SK(16/09/2019)

सत्यमेव जयते

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