

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.09.2019

CORAM :

THE HON'BLE DR.VINEET KOTHARI, ACTING CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.29658 of 2018 and
W.P.Nos.26240 and 26498 of 2019

W.P.No.29658 of 2018:

K.Murugesan

.. Petitioner

Vs

- 1 Government of Tamil Nadu
Rep. by its Secretary to Government
Land Administrative and Reforms Department
Fort St. George, Chennai - 600 009.
- 2 The District Collector
Ariyalur District
Ariyalur.
- 3 The Tahsildar
Ariyalur
Ariyalur District.
- 4 The Block Development Officer
Thirumanur Town Panchayat
Ariyalur District
(R4 impleaded vide court order dt 18/12/2018
made in WMP.No.38967/18)
- 5 MANICKAM
- 6 KUMARASAMY
- 7 SURESHKUMAR
- 8 BALAKRISHNAN
- 9 THANGARASU
- 10 SOUNDARRAJAN
- 11 SIRDHAR
- 12 GOPINATHAN
- 13 VARATHARAJAN

14 VELSAMY
15 RAMESH
16 DURAI
17 THIYAGARAJAN
18 KALIYAN
19 CHINNADURAI
20 SURYAPRAKASAM
21 VEERAMUTHU
22 SENTHILKUMAR
23 THANGARASU
24 KRISHNAN
25 SENGUTTUVAN
26 RAJENDRAN
27 MATHIYALAGAN
28 ASHOKAN
29 CHANDRASEKAR
30 NATESAN
31 PUGALENDI
32 SAMARASAM
33 PANDIYAN
34 SEKAR
35 ELAMURUGU
36 CHINNADURAI
37 CHETTI
38 MARIMUTHU
39 BALAMUTHU
40 RAJENDRAN
41 KATTIYAPPAN
42 VARATHARAJAN
43 AYYANAR
44 MARUTHAN
45 THANGAVEL
46 BALUSAMY
47 RAJEEVGANDHI
48 GANTHI
49 SAMINATHAN
50 ULAGANATHAN
51 KANNAIYAN
52 MALARKODI
53 NEELAKANDAN
54 VANJEENATHAN
55 ANNADURAI
56 RAMADOSS
57 MANOKARAN
58 SANKAR
59 SEKAR
60 MANICKAM

61 CHINNAPILLAI
62 POONGUDI
63 THAMARAIVALLI
64 VELMURUGAN
65 THANGAVEL
66 KALIYAN
67 VASANTHA
68 NATARAJAN
69 RENGARASU
70 KALIYAPERUMAL
71 SELVARASU
72 RAJASEKAR
73 DHANAPAL
74 PITCHAIVEL
75 KALIYAPERUMAL

.. Respondents

(R5 to R75 are impleaded vide
order dated 25/06/2019
made in WMP.No.5248/2019)

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issue of writ of mandamus directing the respondents to remove the encroachments made at Vananan Eari at Survey No.172/1, 2, 3 and Varattu Kuttai at Survey No.64 at Guruvadi Village, Ariyalur District within a stipulated period.

W.P.No.26240 of 2019:

R.Manickam

.. Petitioner

Vs

- 1 Government of Tamil Nadu
Rep. by its Secretary to Government
Land Administrative and Reforms Department
Fort St.George, Chennai 600 009.
- 2 The District Collector
Ariyalur District
Ariyalur.
- 3 The Tahsildar
Ariyalur
Ariyalur District.

4 The Block Development Officer
Thirumanur Town Panchayat
Ariyalur District.

5 K.Murugesan

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issue of writ of certiorari calling for the concerned records relating to the Eviction Notice vide No.Na.Ka.No.A2/3212/2017, dated 22/02/2018 passed by the 4th respondent and quash the same.

W.P.No.26498 of 2019

1 Thangavelu
2 Selvaraj
3 Kaliyaperumal
4 Rengarasu

.. Petitioners

Vs

1 Government of Tamil Nadu
Rep. by its Secretary to Government
Land Administrative and Reforms Department
Fort St. George, Chennai - 600009.

2 The District Collector
Ariyalur District
Ariyalur.

3 The Tahsildar
Ariyalur
Ariyalur District.

4 The Block Development Officer
Thirumanur Town Panchayat
Ariyalur District.

5 K.Murugesan

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issue of writ of certiorari calling for the concerned records relating to the Eviction Notice vide No.Na.Ka.No.A1/3213/2017, dated 20.12.2017 passed by the 4th respondent and quash the same.

For Petitioner : Mr.S.Parthsarathy
in WP:29658 of 2018
and 5th respondent in
WPs: 26240 and 26498
of 2019

For Petitioners in : Mr.M.Gnanasekar
WPs:26240 and 26498 of
2019 and respondents 5
to 75
in WP:29658 of 2018

For Respondents 1 to 4 : Mr.S.N.Parthasarathi
in all WPs. Government Advocate

COMMON ORDER

(Order of the Court was made by the Hon'ble Acting Chief Justice)

In pursuance of the previous order dated 13.9.2019, Mr.R.Narayanan, Block Development Officer, Thirumanur Town Panchayat, Ariyalur District, is present in the Court. The learned Government Advocate, Mr.S.N.Parthasarathi, appearing for him submits that, on 23.9.2019, the said Block Development Officer has issued notices under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 seeking to remove 15 encroachers from the land in Vananan Eari at Survey No.172/1, 2 and 3 and Varattu Kuttai at Survey No.64, Guruvadi Village, Ariyalur District.

2. Mr.M.Gnanasekar, learned counsel for respondents 5 to 75 in W.P.No.29658 of 2018, who also appears for the petitioners in W.P.Nos.26240 and 26498 of 2019, submits that the fourth respondent/Block Development Officer has exercised his power in pick and choose manner and the petitioner in W.P.No.29658 of 2018, who is also the past President of the Town Panchayat, has misused the jurisdiction of this Court by filing of the present public interest litigation.

3.Be that as it may, having heard the learned counsel for the petitioners and the respondents in the respective Writ Petitions, we are of the opinion that no useful purpose will be served by continuing this petition (W.P.No.29658 of 2018) in public interest as the 3rd respondent has informed that the encroachment in Vannan Eri has already been removed.

4.The Block Development Officer vide letter dated 07.05.2018 bearing reference Rc.No.B5/1192/2018 has already informed the petitioner in W.P.No.29658 of 2019 that steps have been taken to remove the encroachment in the water bodies in Guruvadi Village with police assistance has been requested and after that the encroachment will be removed.

5.The notices (respondents 5 to 75 in W.P.No.29658 of 2018, some of whom are petitioners in W.P.Nos.26240 and 26498 of 2019) are at liberty to file appeal under Section 10 of the Act against the notices issued under Section 6 of the Act. If the petitioner in W.P.No.29658 of 2018 is not satisfied with the order passed by the Appellate Authority, he can avail the remedial mechanism provided in G.O.Ms.No.540, Revenue [LD6(2)] Department, dated 4.12.2014, issued by the State Government in pursuance of the directions of this Court on 11.8.2014 in W.P.No.26772 of 2013 and M.P.No.1 of 2013 filed by Mr.U.A.Marappa Gounder.

With the aforesaid liberty to the parties, we dispose of these writ petitions. No costs. Consequently, W.M.P.Nos.25616, 25868 and 25869 of 2019 are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To:

1 The Secretary to Government
Government of Tamil Nadu
Land Administrative and Reforms Department
Fort St. George, Chennai - 600 009.

- 2 The District Collector
 Ariyalur District
 Ariyalur.
- 3 The Tahsildar
 Ariyalur
 Ariyalur District.
- 4 The Block Development Officer
 Thirumanur Town Panchayat
 Ariyalur District.

+lcc to Government Pleader SR.NO. 82821

+lcc to Mr.M.Gnanasekar, Advocate SR.NO. 82454

+lcc to Mr.S.Parthasarathy, Advocate SR.NO. 82390

W.P.No.29658 of 2018 and
W.P.Nos.26240 and 26498 of 2019

ssd(co)
nr 31/10/2019