



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P.(MD) No.274 of 2019

and

W.M.P.(MD) No.4043 of 2019

WEB COPY

Sivagangai District
Devakottai Taluk
Kannankudi Post
Gunakkarai Village Peoples
rep.by through
Anthonimuthu (M/68/18)
S/o.Rayappan
Gunakkarai Village
Kannangudi Post
Devakottai Taluk
Sivagangai District

... Petitioner

-vs-

- 1.The District Collector
Sivagangai District
Sivagangai
- 2.The Revenue Divisional Officer
Devakottai Divisional
Sivagangai District
- 3.The Tashildar
Devakottai Taluk
Sivagangai District
- 4.Ramesh
- 5.Ganesan
- 6.Santhakumar

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 3 to take appropriate action to remove the encroachments in Gunakkarai Konmoi, Porkudi Group, Devakottai Taluk, Sivagangai District, in Survey No.120.



For Petitioner : Mr.P.Muthusamy

For Respondents : Mr.S.Angappan

Government Advocate for R1 to R3

Mr.M.Karthikeya Venkitachalapathy for R4 to R6

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O R D E R

[Order of the Court was made by T.S.SIVAGNANAM, J.]

We have heard Mr.P.Muthusamy, learned counsel appearing for the petitioner, Mr.S.Angappan, learned Government Advocate for the respondents 1 to 3 and Mr.M.Karthikeya Venkitachalapathy, learned counsel appearing for the respondents 4 to 6.

2. With the consent of both sides, the writ petition is taken up for final disposal.

3. The petitioner has filed this writ petition contending that the respondents 4 to 6 are encroachers of a Government poramboke land. In this regard, several representations were given and it appears that A-Register was misplaced and the Authorities were searching for original A-Register. The petitioner has now approached the second respondent and lodged a complaint and the same is pending and it is stated that enquiry has been commenced.

4. We find that the complaint was given in the year 2018 and it is not known as to why the second respondent is taking such a long time for conducting enquiry to examine what is the correct classification of the land.

5. The petitioner's apprehension is that taking advantage of the pendency of the proceedings before the second respondent, the respondents 4 to 6 are transferring the property to their close relatives, thereby complicating the situation.

6. Faced with this situation, the learned counsel appearing for the respondents 4 to 6, on instructions, submits that the respondents 4 to 6 will not create any encumbrance over the property till the conclusion of the enquiry by the second respondent.

7. In the light of the above, we direct the second respondent to issue notice to the petitioner as well as to the respondents 4 to 6, conduct an enquiry, examine the revenue records and take a decision on merits and in accordance with law by passing a speaking order. This direction be complied with within a period of eight weeks from the date of receipt of a copy of this order. It is open to both the parties to submit records for consideration of the second respondent. As undertaken by the respondents 4 to 6, no encumbrance shall be created over the property in question and they should await the orders of the second respondent.



8. Accordingly, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (C.O)

// True Copy //

Sub Assistant Registrar(CS)

To:

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The Revenue Divisional Officer,
Devakottai Divisional,
Sivagangai District.
- 3.The Tashildar,
Devakottai Taluk,
Sivagangai District.

+1 CC to GP SR-89014.

+1 CC to M/s.T.SRINIVASA RAGAVAN, Advocate SR-89081.

+1 CC to M/s.P.MUTHUSAMY, Advocate SR-89301.

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