



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.11.2019**

CORAM:

THE HONOURABLE **MR.JUSTICE M.SUNDAR**

W.P(MD)No.14503 of 2016

and

W.M.P.(MD)Nos.10759 of 2016 and 21204 of 2019

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P.Andi

... Petitioner

Vs.

1.The District Collector,
Tiruchy,
Tiruchirapalli District.

2.The District Revenue Officer,
Tiruchy,
Tiruchirapalli District.

3.The Tahsildar,
Srirangam Taluk,
Srirangam.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents and their subordinates not to dispossess the petitioner from cultivating land of an extent of 2 Acres 10 Cents situate in Survey No.75/1 in Fathima Nagar, Sethurapatti Village, Srirangam Taluk except due process of law.

For Petitioner : Mr.S.Ramesh

For Respondents : Mr.K.Chellapandian
Additional Advocate General
assisted by
Mr.Aayiram K.Selvakumar
Additional Government Pleader

ORDER

Mr.S.Ramesh, learned Counsel on record for writ petitioner and Mr.K.Chellapandian, learned Additional Advocate General assisted by Mr.Aayiram K.Selvakumar, learned Additional Government Pleader on behalf of all the respondents are before this Court.

2. Subject matter of instant writ petition is land admeasuring 2 Acres and 10 cents or thereabouts situate in Sethurapatti



Village (Fathima Nagar), Srirangam Taluk, Trichirapalli District (hereinafter 'said land' for brevity).

3. The prayer in the writ petition is to direct the respondents to not to dispossess the writ petitioner qua said land. There is no dispute or disagreement that the revenue classification of said land is 'assessed waste dry (Government tharisu)'. To put it differently, there is no dispute that the said land is public land / Government land. It follows as a sequitur that writ petitioner is an encroacher qua said land.

4. Learned Additional Advocate General submits that said land has now been allocated to the Department of Technical Education, Government of India and that the Government is to put up an office of Indian Institute of Information Technology in said land.

5. It is very fairly submitted that the writ petitioner is clearly an encroacher qua said land. Notwithstanding the fact that the writ petitioner is an encroacher, a site inspection has been made by the State Officials and it is very fairly submitted that cotton (பருத்தி) has been raised in the said land, which is being harvested and that the harvest can be completed within two months from today.

6. More importantly, learned Additional Advocate General has placed before this Court an order dated 16.08.2019 bearing proceedings ஐ.மு.வீ.ம.எண். ஆ3/2027/2019, wherein writ petitioner has been allotted an alternate site, as the writ petitioner has put up a small house also in the said land.

7. In the light of aforesaid narrative, this Court is convinced that instant writ petition is bereft of merits and the same is liable to be dismissed.

8. However, two months time is granted to the writ petitioner to complete the harvest of பருத்தி.

9. Writ Petition is dismissed albeit with the aforesaid window of two months time. There shall be no order as to costs. Consequently connected Miscellaneous Petitions are also dismissed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar (CS)



To

1.The District Collector,
Tiruchy,
Tiruchirapalli District.

2.The District Revenue Officer,
Tiruchy,
Tiruchirapalli District.

3.The Tahsildar,
Srirangam Taluk,
Srirangam.

+1 CC to M/s.SPL GP (SR-101111[F] dated 25/11/2019)

+1 CC to M/s.V. RAGHAVACHARI, Advocate (SR-101381[F] dated
26/11/2019)

W.P(MD)No.14503 of 2016
25.11.2019

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