

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 05.03.2020

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No.3627 of 2020

and WMP. No.4264 of 2020

Revoor Namberumal Chetty's Trust
rep. By its Managing Trustee
R.Manohar Gupta

...Petitioner

Vs

1. The District Collector,
Ranipet District at Ranipet.
2. The Commissioner,
Hindu Religious & Charitable Endowments,
Nungambakkam, Chennai - 600 034.
3. The Executive Officer - Cum -
Assistant Commissioner,
Hindu Religious & Charitable Endowments,
Arulmigu Lakshmi Narasimha Swami Thirukoil,
Sholingar, Ranipet.
4. The Executive Officer,
Sholingar Selection Grade Town Panchayat,
Sholingar, Ranipet District.
5. The Tahsildar,
Sholingar Taluk,
Sholingar, Ranipet District.
6. The Inspector of Police,
Kondapalayam Police Station,
Sholingar, Ranipet District.

.. Respondents

Prayer : PETITION filed under Article 226 of The Constitution of India praying for the issuance of Writ of Mandamus directing the first respondent herein to pass necessary orders/directions to respondents 3 to 6 not to trespass and stop laying of the illegal road in the petitioners' lands bearing Survey Nos.191/2 and 193/2, Kondapalayam Village, Sholingar Taluk, Ranipet District by disposing the petitioners' representation dated

03.02.2020 and communicate the order to the petitioners' Trust within a time frame to be fixed by this Court.

For Petitioner : Mr.B.K.Singh
For Respondents : Mr.R.P.Prathap Sing,
Government Advocate -
R1, R4, R5 & R6
Mr.M.Karthikeyan,
Special Government Pleader - R2
Mr.Sriram
for M/s.Kailasam Associates- R3

O R D E R

The petitioner seeks a mandamus directing the first respondent, i.e., the District Collector to pass necessary orders or directions to respondent Nos.3 to 6 being the Executive Officer -cum- Assistant Commissioner of the HR & CE Department, Arulmigu Lakshmi Narasimha Swami Thirukoil, Sholingar, Ranipet, The Executive Officer of the Sholingar Selection Grade Town Panchayat, The Tahsildar, Sholingar Taluk, Ranipet District and The Inspector of Police, Kondapalayam Police Station, Sholingar, Ranipet District, not to trespass upon the petitioners' land and desist from laying the allegedly illegal road in S.Nos.191/2 and 193/2, Kondapalayam Village, Sholingar Taluk, Ranipet District. He also states that he has filed a representation on 03.02.2020 before R1 and seeks a direction to him to dispose the same within a time frame to be fixed by this Court.

2. Mr.R.P.Prathap Sing, learned Government Advocate appears for R1, R4, R5 and R6, Mr.M.Karthikeyan, learned Special Government Pleader appears for R2 and Mr.Sriram, learned counsel appears for R3.

3. Instructions have been sought and received by all the official respondents. R3 confirms that the property at S.No.191/2 indeed belongs to the petitioner and thus any work commenced upon the said property will be stopped forthwith. This is recorded.

4. As regards the property at S.No.193/2, Mr.Sriram places on record a copy of proceedings dated 28.11.2012, which, learned counsel for the petitioner states, is received by him only now, on 04.03.2020. The aforesaid proceedings of the Tahsildar, Wallajah are to the effect that the property at S.No.193/2 comprises poramboke land. In any event, since a representation has been filed by the petitioner that is admittedly pending before R1, the petitioner is permitted to appear before the District Collector, Ranipet/R1 on Tuesday, the 10th of March, 2020 at 10.30 a.m. without expecting any further notice in this regard. After hearing the petitioner and consideration of any materials that may be produced by him, an order shall be passed by R1, taking note of the order passed by the Tahsildar, Wallajah as well, on or before 12.03.2020. Till then, let R3 keep in abeyance the ongoing work in the property in S.No.193/2 Kondapalayam Village, Sholingar Taluk, Ranipet District .

5. The Writ Petition is disposed in the aforesaid terms. No costs. Connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CS II)

/true copy/
Sub Asst. Registrar

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To

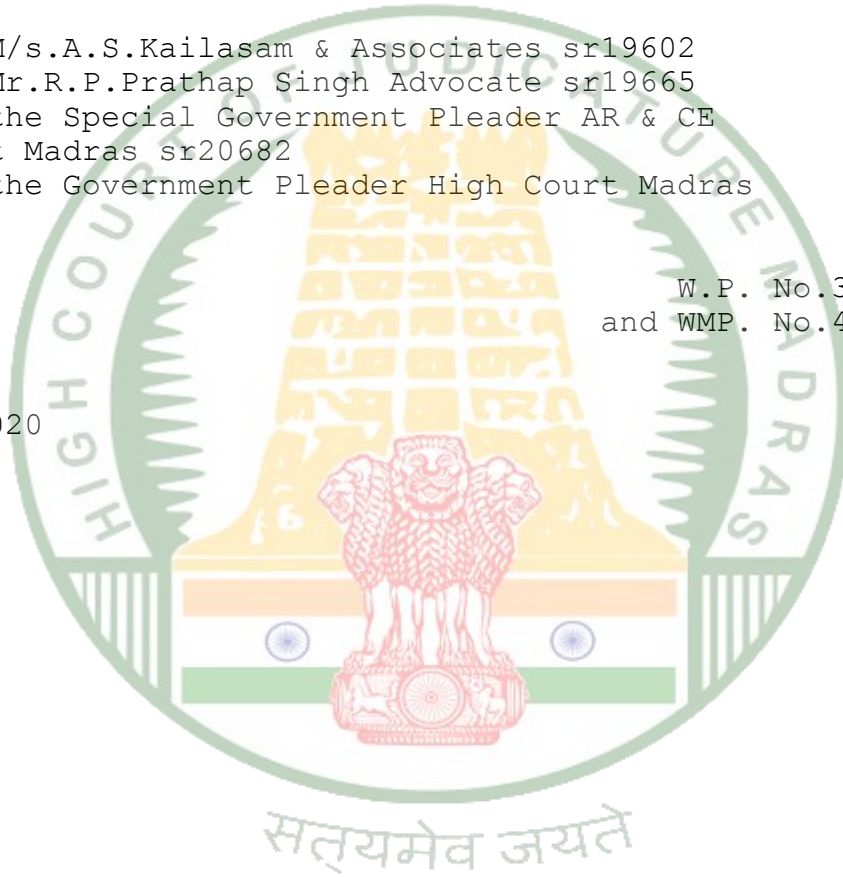
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+1 cc to M/s.A.S.Kailasam & Associates sr19602
+1 cc to Mr.R.P.Prathap Singh Advocate sr19665
+1 cc to the Special Government Pleader AR & CE
High Court Madras sr20682
+1 cc to the Government Pleader High Court Madras
sr 20208

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