

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2020

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
And
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.No.5650 of 2020

K.Veeraraghavan

... Petitioner

Vs.

- 1.The Director,
Scheduled Caste & Scheduled Tribes Department,
Chepauk, Chennai - 600 005.
- 2.The District Collector,
Tiruvallur District,
Tiruvallur.
- 3.The Assistant Director,
Scheduled Caste & Scheduled Tribes Department,
Office of the District Collectorate,
Tiruvallur.
- 4.The Revenue Divisional Officer,
Ponneri Revenue Division,
Ponneri - 601 204,
Tiruvallur District.
- 5.The Tahsildar,
Gummidipoondi Taluk, सत्यमेव जयते
Gummidipoondi - 601 201,
Tiruvallur District.
- 6.The Special Tahsildar,
Scheduled Caste & Scheduled Tribes Welfare,
Ponneri - 601 204,
Tiruvallur District.
- 7.The Superintendent of Police,
Tiruvallur District,
Tiruvallur.

8.The Inspector of Police,
Arambakkam Police Station,
Gummidipoondi Taluk,
Tiruvallur District.

9.Mrs.Nasreen Begam

... Respondents

Prayer:

Writ petition filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus directing the respondents to consider the representation of the petitioner, dated 25.07.2019 and thereby directing the respondents 1 to 6 to remove all kinds of encroachments made in the land in Survey No.106/11 and 106/12 of Poovalai Village, Gummidipoondi Taluk, Tiruvallur District and reclassify and keep land in Survey No.106/11 as Burial Ground and land in Survey No.106/12 as Anadheenam of Poovalai Village and continue to maintain the same for the welfare of the Scheduled Tribes Communities of Poovalai Village.

For Petitioner : Mr.R.Munuswamy

For Respondents : Mr.G.K.Muthukumar for R1 to R8
Special Government Pleader

O R D E R

(Order of the Court was delivered by M.M.SUNDRESH,J.)

This writ petition has been filed seeking issuance of Writ of Mandamus directing the respondents to consider the representation of the petitioner, dated 25.07.2019 and thereby directing the respondents 1 to 6 to remove all kinds of encroachments made in the land in Survey Nos.106/11 and 106/12 of Poovalai Village, Gummidipoondi Taluk, Tiruvallur District and reclassify and keep the land in Survey No.106/11 as burial ground and the land in Survey No.106/12 as Anadheenam of Poovalai Village and continue to maintain the same for the welfare of the Scheduled Tribes Communities of Poovalai Village.

2.The petitioner has filed this public interest litigation with the grievance that the land which has been used for number of years as burial ground and the pathway for the aforesaid purpose is wrongly classified as patta lands with the active collusion between the official respondents and respondent no.9, who thereafter put up a compound wall preventing the general public to use it accordingly.

3.The learned Special Government Pleader appearing for respondent nos.1 to 8 submitted that there are two survey numbers involved, one is Survey No.106/11 which has been wrongly classified as patta land but by following the procedure, the same has been reclassified as burial ground, therefore, insofar as the land in Survey No.106/11 is concerned, as on today, it stands as burial ground and thus, there is no difficulty in using it accordingly. The other extent of the land situated in Survey No.106/4 & 13 is concerned, it is classified as Anadheenam land, therefore belonging to the Government unfortunately, it has been changed into a patta land and now on this an enquiry is pending before the District Revenue Officer, Tiruvallur, Tiruvallur District. Respondent no.9 has taken time on two occasions and the matter stands posted for enquiry on 12.03.2020.

4.In view of the above, we direct the District Revenue Officer, Tiruvallur District, to conclude the proceedings within a period of six weeks from the date of receipt of a copy of this order with respect to the land in Survey No.106/4 & 13. We make it clear that the petitioner is also entitled to be heard in the enquiry. Therefore even on the enquiry scheduled to be held on 12.03.2020, the petitioner can represent before the District Revenue Officer, Tiruvallur District. It is also open to the petitioner to contend that the controversy pertains to Survey No.106/12 and not Survey No.106/4 & 13.

5.The writ petition stands disposed of with the above directions. No order as to costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

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To

1.The Director,
Scheduled Caste & Scheduled Tribes Department,
Chepauk, Chennai - 600 005.

2.The District Collector,
Tiruvallur District,
Tiruvallur.

3.The Assistant Director,
Scheduled Caste & Scheduled Tribes Department,
Office of the District Collectorate,
Tiruvallur.

4.The Revenue Divisional Officer,
Ponneri Revenue Division,
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Gummidipoondi Taluk,
Gummidipoondi - 601 201,
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7.The Superintendent of Police,
Tiruvallur District,
Tiruvallur.

8.The Inspector of Police,
Arambakkam Police Station,
Gummidipoondi Taluk,
Tiruvallur District.

+1cc to Mr.R.Munuswamy, Advocate, SR.No.21025.
+1cc to Government Pleader, SR.No.21198.

SR(CO)
CSR: 11.03.2020

W.P.No.5650 of 2020

सत्यमेव जयते

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