

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.15802 of 2020

and

WMP.No.19644 of 2020

S.Jayanthi,
W/o.Kanagaraj.

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by District Collector,
Thiruvallur District,
Mail id:collrtlr@nic.in

2.The Revenue Divisional Officer,
Thiruvallur Division,
Thiruvallur.

3.The Tahsildar,
O/o.The Tahsildar,
Avadi Division,
Avadi,
Thiruvallur District.

.... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus, directing the respondents to consider and dispose the petitioner's representation/Complaint dated 24.10.2020 preferred to the respondents, within a time frame to be fixed by this Hon'ble Court and restore the petitioner's property situated in Survey No.815/1, in Mullai Nagar Pakkam Village, Tiruvallur, to its original position and award damages to the petitioner, award costs and pass orders.

For Petitioner : Mr.C.K.Chandrasekhar

For Respondents: Mr.E.Balamurugan,
Special Government Pleader.

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O R D E R

This Writ Petition has been filed for the issue of Writ of Mandamus, directing the respondents to consider the representation made by the petitioner on 24.10.2020 and to act upon it within the time frame fixed by this Court.

2.The case of the petitioner is that she purchased the subject property situated in S.No.815/1 at Mullai Nagar, Pakkam Village, Thiruvallur District, by virtue of sale deed dated 14.09.2005. The further case of the petitioner is that a patta was also issued in her name in Patta No.5330 by proceedings dated 20.09.2018. The grievance of the petitioner is that the respondents in the guise of clearing an encroachment in the adjacent land have also entered upon the land of the petitioner and removed the thatched shed.

3.The further case of the petitioner is that a representation was made on 24.10.2020 and the respondents were requested not to interfere with the property belonging to the petitioner and to award costs for the damages caused by them.

4.Mr.E.Balamurugan, learned Special Government Pleader, appearing on behalf of the respondents submitted that the Tahsildar, Thiruvallur District, has taken the complaint made by the petitioner on file and fixed the date for enquiry on 10.11.2020 at 10 a.m. The learned counsel submitted that the petitioner can be present at the time of enquiry along with all relevant documents and necessary action will be taken within the time frame fixed by this Court.

5.The learned counsel for the petitioner submitted that the enquiry can be shifted to 12.11.2020 to enable the petitioner to attend the enquiry.

6.Taking into consideration the facts and circumstances of the case and also of the fact that the Tahsildar, Thiruvallur District, has already called the petitioner for an enquiry, there shall be a direction to the petitioner to appear before the Tahsildar, Thiruvallur District, for an enquiry on 12.10.2020 at 11 a.m., along with all relevant documents. The Tahsildar, Thiruvallur District, shall conduct the enquiry and pass appropriate orders within a period of four weeks from the date of receipt of copy of this order. Till a final order is passed by the Tahsildar, Thiruvallur District, there shall be a direction to the respondents not to precipitate the matter any further.

7.This writ petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1.The District Collector,
State of Tamil Nadu,
Thiruvallur District,
Mail id:collrtlr@nic.in

2. The Revenue Divisional Officer,
Thiruvallur Division,
Thiruvallur.

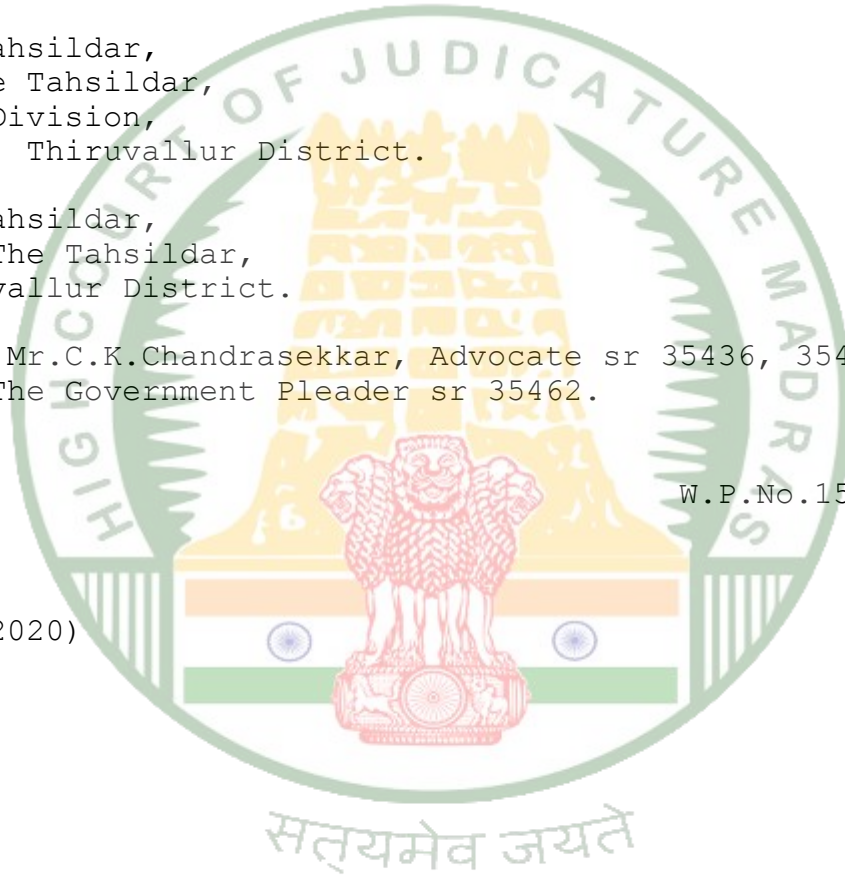
3. The Tahsildar,
O/o.The Tahsildar,
Avadi Division,
Avadi, Thiruvallur District.

4. The Tahsildar,
O/o. The Tahsildar,
Thiruvallur District.

+2 Ccs to Mr.C.K.Chandrasekhar, Advocate sr 35436, 35415
+1 CC to The Government Pleader sr 35462.

W.P.No.15802 of 2020

SAI (CO)
SP(09/11/2020)



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