

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MRS. JUSTICE R.HEMALATHA

WP.No.17255/2020 & WMP.Nos.21332 & 21333/2020

N.Manoharan

...Petitioner

Versus

1.The State of Tamil Nadu
rep.by Secretary to Government
Revenue Department, Fort St. George
Chennai 600 009.

2.The District Collector
Dharmapuri.

3.The District Revenue Officer
Dharmapuri.

4.The Revenue Divisional Officer
Dharmapuri.

5.The Tahsildar
Karimangalam Taluk
Dharmapuri.

6.The Revenue Inspector
Hanumanthapuram Village
Karimangalam, Dharmapuri.

7.The Village Administrative officer
Hanumanthapuram Village
Karimangalam, Dharmapuri.

8.The State of Tamil Nadu rep.by
Secretary to the Government
Animal Husbandry Department
Fort St George, Chennai 600 009.

9.The Registrar
The Tamil Nadu Veterinary & Animal
Sciences University, Madhavaram Milk Colony
Chennai 600 061.

10.The Chief Executive Officer
Alambadi Cattle Breed Research Station
Ballenahalli, Karimangalam Taluk
Dharmapuri District.

11.The President
Naganampatti Panchayat,
Karimangalam Taluk
Dharmapuri District.

..Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus forbearing the respondents, especially the respondents 5 and 6 or anyone claiming through them, from in any way evicting the occupants / possessors of the lands, agricultural lands, houses etc., put up in Survey Nos.203/1 and 253/1 of Hanumanthapuram Village, Karimangalam Taluk, Dharmapuri District without following due process of law and to consider benignly their petitions for issue of patta over the aforesaid lands, in pursuant to the representation dated 21.10.2020.

For Petitioner : Mr.R.Selvakumar
For RR 1 to 9 : Mr.M.Elumalai
Additional Government Pleader

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

- (1) By consent, the writ petition is taken up for final disposal and is disposed of by this order.
- (2) Mr.M.Elumalai, learned Additional Government Pleader accepts notice on behalf of the respondents 1 to 9.
- (3) The writ petition is styled as a public interest litigation and is filed by the petitioner who for himself and on behalf of members of 25 families situate at S.Nos.203/1 and 253/1 in Hanumanthapuram Village, Uppupallam, Jalakandapuram, Naganampatti Panchayat, Hanumanthapuram, Karimangalam Taluk, Dharmapuri District.
- (4) It is the case of the petitioner that he along with 25 families are residing and living in Hanumanthapuram Village in the lands measuring to an extent of 54 acres comprised in S.No.203/1 [3645 acres] and 253/1 [16.92 acres] and the lands were originally classified as 'Grazing land poramboke' in the revenue records and thereafter, occupation was done and they developed the land as agricultural fields.

- (5) The learned counsel for the petitioner would submit that in the light of the long possession and enjoyment of the respective extent of lands in the said survey numbers, it is not open to the respondents to evict the petitioner as well as the members of 25 families without recourse of due process of law. He would further add that recognizing their possession and enjoyment, Voters ID Cards, Aadhar Cards have also been issued and the superstructures put up by them, are also subject to statutory levies and hence, prays for appropriate orders.
- (6) Per contra, Mr.M.Elumalai, learned Additional Government Pleader appearing for the respondents 1 to 9, on instructions, would submit that action has already been taken by issuing Notices under the provisions of the Tamil Nadu Land Encroachment Act, 1905 [in short 'the Act'] in the form of notices under Sections 7 and 6 of the Act dated 30.08.2019 and 20.09.2019 respectively and apart from suppressing the said fact, the petitioner himself is an encroacher and he is a retired Bank employee and the said fact is also suppressed and as such, he is not entitled to any relief.
- (7) This Court has considered the rival submissions and also perused the materials placed before it.
- (8) The petitioner, in paragraph No.15 of the affidavit filed in support of this writ petition had stated that he is a retired Office Assistant in a Bank and a Pensioner now and he himself is aggrieved by the action taken on the part of the respondents to evict him as well as the members of 25 families without recourse to due process of law.
- (9) Once the petitioner is in occupation of the land as an encroacher, he is not entitled to maintain this writ petition as a Public Interest Litigation and that apart, the details of the individual holdings of the 25 families in the form of encroachments as well as the nature of the superstructures put up by them, have also not disclosed in the affidavit filed in support of this writ petition.
- (10) The petitioner himself in one of his representations dated 03.09.2020, has conceded that a Notice dated 01.09.2019 has been issued under the Tamil Nadu Land Encroachment Act, 1905.
- (11) It is to be noted at this juncture that the prayer in the writ petition itself is that they should not be evicted without following the due process of law and in the light of the said admission made by the petitioner in his representation dated 03.09.2020 coupled with the submission made by the learned Additional Government Pleader appearing for respondents 1 to 9 that the provisions of the Tamil Nadu Land Encroachment Act,

1905, have already been invoked by issuing Section 7 and 6 Notices, the petitioner cannot express any grievance.

(12) In the result, the writ petition stands dismissed at the admission stage itself. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

AD

To

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+lcc to Mr.A.Selvakumar, Advocate, S.R.No.39883

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MJB (CO)
KKV/29/12/2020



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