

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.12.2020

CORAM

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

WP.No.16770/2020 & WMP.No.20780/2020

G.Rani

...Petitioner

Versus

1.The District Collector
Vellore District, Vellore.

2.The Revenue Divisional Officer
Vellore, Vellore District.

3.The Tahsildar
Taluk Office
Katpadi Taluk, Vellore 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 from evicting the petitioner bearing Survey No.622/1 with an extent of 3 acres dry land, cattle shed, dwelling house at Karigiri Village, Katpadi Taluk, Vellore District without following due process of law under section 6 and 7 of Tamil Nadu Land Encroachment Act.

For Petitioner : Mr.D.Rajagopal

For Respondents : Mr.R.Vijayakumar

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.R.Vijayakumar, learned Additional Government Pleader accepts notice on behalf of the respondents.

- (3) The petitioner would claim that the land in S.No.622/1, admeasuring to an extent of 3 acres of dry land at Karigiri Village, Katpadi Taluk, Vellore District, was originally allotted to the father-in-law of the petitioner before Independence and he served as 'Sarkar Thoti' and appreciating his services, the said land came to be allotted. The petitioner was married to one of the sons of late Muniyan and he along with his brother, jointly developed and enjoyed the land and her husband, who was working as a Village Assistant, attained the age of superannuation on 30.06.1999 without any pensionary benefits. The claim of the petitioner is that for more than seven decades and odd, the forefathers of her husband, her husband along with the petitioner are in possession and enjoyment of the land and also cultivating the dry crops and recognising their possession, penal charges were also levied in the form of 'B' Memo and that apart, electricity service connection has also been provided to the superstructure.
- (4) The learned counsel for the petitioner would submit that the petitioner, on an earlier occasion, filed WP.No.8773/2020, praying for issuance of a writ of mandamus, forbearing the respondents herein from taking possession of the land and interfering with her peaceful possession of the land comprised in S.No.622/1 of Karigiri Village, Katpadi Taluk, Vellore District, without recourse to due process of law and it was disposed of on 03.07.2020 by permitting the petitioner to submit a fresh representation with a further direction to consider and dispose of the same within the stipulated time.
- (5) The 3rd respondent, in compliance of the said order, passed an order in Endorsement in O.Mu.No.P2/1725/2019 dated 31.08.2020, stating among other things, that a part of the land in S.NO.622/1 was allotted for homeless gypsies and that apart, the tenements of the Tamil Nadu Slum Clearance Board is also coming and if the petitioner restricts her request in respect of the superstructure put up on the portion of the land, her request for house site patta could be considered favourably. The primordial submission is that without recourse to due process of law, the petitioner's possession is sought to be disturbed and hence, prays for appropriate orders.
- (6) Per contra, Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the respondents would submit that in the light of the Endorsement of the 3rd respondent dated 31.08.2020, due process of law will be resorted to for causing eviction of the petitioner from the land in question.

(7)The Court has considered the rival submissions and also perused the materials placed before it.

(8)This Court, taking into consideration, the above facts and circumstances and the rival submissions, directs the 3rd respondent to resort to due process of law for causing eviction of the petitioner from the land in question and also by adhering to the principles of natural justice and complete the said exercise within a period of ten weeks from the date of receipt of a copy of this order / uploading of the order in the website and communicate the decision taken, to the petitioner and till such time, shall defer the decision to evict the petitioner. It is also open to the petitioner to comply with the terms of the Endorsement dated 31.08.2020 on the file of the 3rd respondent.

(9)The writ petition stands disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

1.The District Collector
Vellore District, Vellore.

2.The Revenue Divisional Officer
Vellore, Vellore District.

3.The Tahsildar
Taluk Office
Katpadi Taluk, Vellore District.

WP.No.16770/2020

AD(CO)
KKV/29/12/2020

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