



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.08.2020

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P. (MD)No.9491 of 2020

S.Kuppusamy

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
represented by
The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Revenue Divisional Officer,
Sivakasi Taluk,
Sivakasi,
Virudhunagar District.
- 3.The Deputy Tahsildar,
Sivakasi Taluk Office,
Sivakasi,
Virudhunagar District.
- 4.The Block Development Officer,
Sivakasi Panchayat Union,
Sivakasi,
Virudhunagar District.
- 5.The President,
Pudukkottai Village Panchayat,
Sivakasi Taluk,
Pudukkottai Village,
Virudhunagar District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to remove the encroachment made in S.Nos.1302/5, 1302/20, 1302/12, 1302/15, 1302/29, 1304/11, 1304/17, 1304/21, 1304/22 and 1306/11 in Pudukkottai Village, Sivakasi Panchayat Union, Virudhunagar District, on the basis of the petitioner's representation, dated 26.01.2020 within a time frame as fixed by this Court.

For Petitioner : Mr.R.Vignesh



For Respondents

: Mr.M.Muthugeethaiyan
Special Government Pleader for R.1 to R.3

Mr.S.Jeyakumar
Additional Government Pleader for R.4

Mr.P.M.Vishnuvarthanan for R.5

WEB COPY

ORDER

(Order of the Court was made by **M. SATHYANARAYANAN, J.**)

The petitioner claims to be a farmer and a native of Pudukkottai Village, Virudhunagar District and according to him, the lands in S.Nos.1302/5, 1302/20, 1302/12, 1302/15, 1302/29, 1304/11, 1304/17, 1304/21, 1304/22 and 1306/11 in Pudukkottai Village, Sivakasi Panchayat Union, Virudhunagar District, are classified as poramboke land and are under encroachment and the fact that the said lands being Government poramboke is also reflected in the 'A' Register and the connected records. The petitioner, on an earlier occasion, submitted a representation, dated 28.01.2019 to the first respondent, not to grant individual patta in respect of the Natham lands in S.Nos.1306/11, 1302/5, 20, 12, 15, 29 as well as S.Nos.1304/17, 21 and 22.

2. It is further stated in the said representation that the Ex-President of the Local Body has also conveyed a part of the land in S.No.1302/29 in favour of one Manivannan and prayed for appropriate orders and it was also followed by a reminder dated 26.01.2020.

3. Learned Counsel for the petitioner would submit that despite receipt and acknowledgment of the said representations, no worthwhile steps have been taken and therefore, the petitioner is constrained to approach this Court by filing the present writ petition.

4. Mr.M.Muthugeethaiyan, learned Special Government Pleader accepts notice on behalf of the respondents 1 to 3; Mr.S.Jeyakumar, learned Additional Government Pleader accepts notice on behalf of the fourth respondent and Mr.P.M.Vishnuvarthanan accepts notice on behalf of the fifth respondent.

5. Learned Special Government Pleader appearing for the respondents 1 to 3 has produced a copy of the communication of the Revenue Tahsildar, Sivakasi, vide Na.Ka.No.A2/249/2020, dated 19.08.2020, addressed to the Office of the Special Government Pleader, Madurai Bench of Madras High Court, Madurai, wherein it is stated, among other things, that except the land admeasuring 0.0039.0 sq. mtrs., in S.No.1304/11, the other lands are Government



lands and steps have already been taken to remove the encroachments by following due process of law after surveying the said lands.

6. Learned Counsel for the fifth respondent would submit that the fifth respondent is elected very recently and on assuming the Office, he only took steps to set right the misdeeds committed by the predecessor-in-office.

7. This Court has carefully considered the rival submissions and perused the materials placed on record.

8. This Court, taking into consideration the above facts and circumstances of the case, directs the Revenue Tahsildar, Sivakasi, in co-ordination with the respondents 4 and 5, to take immediate, necessary and appropriate action by following due process of law as to the removal of encroachments in S.Nos.1302/5, 1302/20, 1302/12, 1302/15, 1302/29, 1304/17, 1304/21, 1304/22, 1306/11, of Pudukkottai Village, Sivakasi Taluk, Virudhunagar District and complete the exercise as expeditiously as possible within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner as well as the encroachers or other persons concerned, if any. The copy of the communication of the Revenue Tahsildar, Sivakasi, vide Na.Ka.No.A2/249/2020, dated 19.08.2020, is taken on file and record.

9. This writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

RSB

Note: (i) In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Collector,
Virudhunagar District,
Virudhunagar.



2.The Revenue Divisional Officer,
Sivakasi Taluk,
Sivakasi,
Virudhunagar District.

3.The Deputy Tahsildar,
Sivakasi Taluk Office,
Sivakasi,
Virudhunagar District.

4.The Revenue Tahsildar,
Sivakasi, Virudhunagar District.

5.The Block Development Officer,
Sivakasi Panchayat Union,
Sivakasi,
Virudhunagar District.

6.The President, Pudukkottai Village Panchayat,
Sivakasi Taluk, Virudhunagar District.

+2 CC to M/s.R. VIGNESH, Advocate (SR-14567[F] dated 20/08/2020)

W.P. (MD)No.9491 of 2020
20.08.2020

AP(31/08/2020) 4P 9C