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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2021

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THE HONOURABLE MR. JUSTICE R. MAHADEVAN

Writ Petition No.10258 of 2013

G. Madhavan

... Petitioner

Versus

1. District Collector,
Thiruvannamalai District
Office of the Collectorate
Thiruvannamalai.
2. Block Development Officer
B.D.O.Office, Chetpet
Thiruvannamalai District.
3. Tahsildar,
Office of the Tahsildar
Polur, Thiruvannamalai District
4. President
Sanikavadi Village Panchayat
Sanikkavadi Village
Polur Taluk
Thiruvannamalai District

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the fourth respondent from interfering or digging up pond in the petitioner's land of 6.50 acres in Survey No.97 Sanikavadi Village, Polur Taluk, Thiruvannamalai District.

For Petitioner : Mr. S. Gunaseelan
For R1 & R3 : Mr. G. Krishnaraja,
Government Counsel

For R2 & R4 : Mr. R. Premnath

ORDER

The relief sought for in this writ petition is to issue a Writ of Mandamus forbearing the fourth respondent from



interfering with or digging up the land belonged to the petitioner in Survey No.97, measuring to an extent of 6.50 acres in Sanikavadi Village, Polur Taluk, Thiruvannamalai District.

2. According to the petitioner, he is in possession and enjoyment of the subject land for more than 50 years. Originally, the said land was classified as "poramboke" known as "Thoppu poramboke" and it was subsequently, altered by the third respondent as Anathinam land on 16.07.1994 to facilitate the Government to grant patta. Earlier, the petitioner filed a writ petition in W.P. No.7760 of 2009 to direct the respondents therein to grant him patta for the aforesaid land. The said writ petition was disposed of on 28.03.2009 directing the third respondent to consider the same. Thereafter, the fourth respondent filed a suit in O.S.No.371 of 2008 against the petitioner and other villagers for eviction, besides the petitioner and his wife jointly filed a suit in O.S.No.318 of 2010 against the Project Officers and Government Authorities for a permanent injunction and the said suits are pending. In the above circumstances, the fourth respondent attempted to interfere with the right of the petitioner by digging up the land. Hence, the petitioner submitted a representation dated 21.03.2013 to the second respondent requesting to stop the fourth respondent for his illegal activities of trying to dig up the land under the Navabra Scheme of Agricultural Engineering Department. On receipt of the same, the second respondent sent a communication dated 22.03.2013, no directing the fourth respondent to stop the said work. However, the fourth respondent disobeyed the said direction and was trying to interfere with the petitioner's peaceful possession and enjoyment of the land. Hence, this writ petition.

3. Today, when the writ petition is taken up for hearing, the learned counsel for the petitioner submitted that it would suffice, if the petitioner's representation dated 21.03.2013 is directed to be considered by the respondents, on merits, within a reasonable time to be fixed by this Court.

4. There is no serious objection on the side of the respondents for granting such relief to the petitioner.

5. In view of the above, this Court directs the third respondent to consider the petitioner's representation dated 21.03.2013, if not considered earlier, and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner as well other interested persons, within a period of six weeks from the date of receipt of a copy of this order.



6. This Writ Petition is disposed of with the above direction. No costs.

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Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Thiruvannamalai District,
Office of the Collectorate,
Thiruvannamalai.
2. The Block Development Officer,
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Thiruvannamalai District.
3. The Tahsildar,
Office of the Tahsildar,
Polur, Thiruvannamalai District.
4. The President,
Sanikavadi Village Panchayat,
Sanikkavadi Village,
Polur Taluk,
Thiruvannamalai District.

+1cc to the Government Pleader SR.44259

WP No.10258 of 2013

gpl[col]
srg 05/10/2021