



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 09.04.2021
CORAM :
THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND
THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY
W.P.No.8997 of 2021
and
WMP.Nos.9527 and 9531 of 2021

1.K.Mahalingam
2.R.Selvaraju
3.Chinnadurai ... Petitioners

Vs.

1.The District Collector
Office of the District Collector,
Perambalur District.
2.The Revenue Divisional Officer
Office of the Revenue Divisional Officer,
Perambalur District.
3.The Tahsildar
Kunnam Taluk,
Perambalur District.

4.P.Gopal ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to consider the representation dated 11.01.2021 and pass orders on the representation of petitioners within a time fixed by this Court and thereby allotting the property situated at Ogalur Village(West), Kazhanivasal Colony, Kunnam Taluk, Perambalur District for the purpose of running the library, coaching center and shop in the name of Dr.Abdul Kalam library premises.

For Petitioners : Mr.G.Ilamurugu

For Respondents : Mr.V.Jayaprakash Narayanan
State Government Pleader for R1 to R3

ORDER
(made by SENTHILKUMAR RAMAMOORTHY, J.)

The petitioners seek the allotment of a particular parcel of land situate at Ogalur Village(West), Kazhanivasal Colony, Kunnam Taluk, Perambalur District, for the purpose of running a



library, coaching centre and shops.

2. The writ petitioners assert that the aforesaid land is Government land wherein a layout was formed for providing houses to persons belonging to the scheduled caste. According to the petitioners, the fourth respondent herein acquired the said land and has proceeded to construct a house thereon in spite of the strong objections of the villagers. It is further stated that the writ petitioners are not seeking allotment of the land for any personal purposes but for the establishment of a library and coaching centre, which would enure to the benefit of the villagers.

3. Mr.V.Jayaprakash Narayanan, learned State Government Pleader, accepts notice on behalf of respondents 1 to 3 and submits that the petitioners are encroachers on the said land, as evidenced by the proceedings initiated under the Tamil Nadu Land Encroachment Act, 1905(the Act of 1905). Consequently, he submits that such proceedings should not be interfered with and that the writ petitioners are liable to be evicted in accordance with law.

4. In the aforesaid facts and circumstances, this Court is not inclined to exercise discretion in favour of the writ petitioners. The writ petitioners may respond to the notice received under Section 7 of the Act of 1905 and make any representations in response thereto. Upon consideration thereof, it is open to the official respondents to take further action in accordance with the Act of 1905.

5. The allotment of the said land for public purposes is a distinct matter and it would be open to the writ petitioners to take up the matter relating to the such allotment through the panchayat or any other local authority, and such matter may be considered after hearing all affected parties, including the fourth respondent herein.

6. W.P.No.8997 of 2021 is disposed of subject to the above observations. Consequently, connected WMPs are closed. There will be no order as to costs.

Sd/-
Assistant Registrar

/TRUE COPY/

Sub-Assistant Registrar

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To:

- 1.The District Collector
Office of the District Collector,
Perambalur District.
- 2.The Revenue Divisional Officer
Office of the Revenue Divisional Officer,
Perambalur District.
- 3.The Tahsildar
Kunnam Taluk,
Perambalur District.

+1CC TO MR.G.ILAMURUGU, ADVOCATE, SR.NO. 22424
+1CC TO M/S.GOVERNMENT PLEADER, SR.NO. 22499

W.P.No.8997 of 2021

PL(CO)
KKN 27.04.2021