

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2021

CORAM :

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

W.P.No.3318 of 2021
and
W.M.P.No.3775 of 2021

D.Srinivasan
Represented by Power of
Attorney Agent A.Saraswathi ... Petitioner

Vs.

- 1.The Principal Secretary,
Revenue Department,
Govt. of Tamil Nadu, Fort. St. George,
Chennai.
- 2.The Director of Town Panchayat,
Directorate of Town Panchayat,
Kuralagam, Chennai - 108.
- 3.The District Collector,
Kancheepuram District.
- 4.The Assistant Director of Town Panchayat,
Kancheepuram District, Kancheepuram.
- 5.The Revenue Divisional Officer,
Tambaram Division, Tambaram.
- 6.The Tahsildar,
Pallavaram Taluk, Chromepet,
Chennai - 44.
- 7.The Executive Officer,
Kundrathur Town Panchayat,
Kundrathur, Chennai - 600 069. ... Respondents

Prayer : Writ Petition filed under Article 226 of the
Constitution of India for issuance of a Writ of Mandamus
directing the concerned respondent to conduct enquiry based on
the representation of the petitioner dated 27.01.2021 by
affording an opportunity to the petitioner of being heard.

For Petitioner : Mr.Baskar
for Mr.S.Sai Shankar

For Respondents : Mr.R.Vijayakumar
Additional Government Pleader

O R D E R

(Order of the Court was made by M. SATHYANARAYANAN, J.)
(Through Video Conferencing)

The petitioner is the son of Mr.Duraikannu, who is the son of ex-Serviceman, namely, Mr.Kuppusamy Pillai, for whom, a recommendation was made for assignment of land, admeasuring 1.48 acres, comprised in S.No.105, Kundrathur Village, Sriperumbudur Taluk, Chengalpet District, vide G.O.Ms.No.682, Revenue Department, dated 18.03.1975, subject to the condition that before doing so, the usual formalities have to be strictly observed, so also the Rules in force by collecting the value from him, and the District Revenue Officer, Chengalpet, was directed to take action in accordance with law. It appears that no further steps have been taken in that regard and the predecessor of the petitioner had also kept quiet.

2.Learned counsel appearing for the petitioner would submit that one Mr.Sa.Ma.Kumaresh filed W.P.No.19623 of 2017 against the official respondents as well as against the private persons, namely, A.Jayakumar and Dhanasekaran, praying for appropriate orders directing the respondents 1 to 7 therein to take appropriate action upon the representations, dated 27.02.2017 and 28.02.2017, relating to the removal of encroachment of the land classified as "Kalam Medu" in Survey No.105, Kundrathur Village, Kundrathur Town Panchayat, Pallavaram Taluk, Kancheepuram District. The writ petition came to be disposed of in the light of the submissions made that the land classified as "Kalam Medu" should not be utilised as entrance for the layout, and if there is any illegal construction, action to be taken strictly in accordance with law. The learned counsel appearing for the petitioner would submit that the petitioner has executed a General Power of Attorney, bearing Document No.899 of 2009, dated 26.10.2009, in favour of one Saraswathi, to deal with the said land, and in the light of the fact that without following due process of law, steps are being taken to dispossess him, the petitioner came forward to file this writ petition.

3.Mr.R.Vijayakumar, learned Additional Government Pleader, accepts notice on behalf of the respondents 1 to 7, and would submit that the land in question has been classified as "Kalam Poramboke" and the Revenue authorities are having control, and since further proceedings have not taken place in the light of G.O.Ms.No.682, Revenue Department, dated

18.03.1975, the predecessor as well as the petitioner can be treated only as encroachers, and action would follow by resorting to due process of law.

4.This Court has carefully considered the rival submissions and also perused the materials placed before it.

5.It prima facie appears from the materials placed that, in the light of Para No.4 of G.O.Ms.No.682, Revenue Department, dated 18.03.1975, further action did not follow, and it also appears that Mr.Duraikannu, in whose favour the recommendation was made for assignment, did not follow up the matter, so also the official respondents, and the land as per the Revenue records continue to be classified as "Kalam".

6.Be that as it may, the Power of Attorney of the petitioner has also submitted a representation, dated 27.01.2021, to the 7th respondent with copies marked to the respondents 2 to 6.

7.This Court taking into consideration the above facts and circumstances, without going into the merits of the claim projected by the Power of Attorney of the petitioner either in her representation or in the present writ petition, directs the respondents 3, 6 and 7 to consider and dispose of the representation submitted by the Power of Attorney of the petitioner, dated 27.01.2021, on merits and in accordance with law, and pass appropriate orders, within a period of eight weeks from the date of receipt of a copy of this order/uploading of this order in the website, and till such time, shall defer further action. The petitioner, till the disposal of the representation by the respondents 3, 6 and 7, shall not create any third party rights in respect of the land in question.

This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

mkn
To

1.The Principal Secretary,
Revenue Department,
Govt. of Tamil Nadu, Fort. St. George,
Chennai.

2.The Director of Town Panchayat,
Directorate of Town Panchayat,
Kuralagam, Chennai - 108.

3.The District Collector,
Kancheepuram District.

4.The Assistant Director of Town Panchayat,
Kancheepuram District, Kancheepuram.

5.The Revenue Divisional Officer,
Tambaram Division, Tambaram.

6.The Tahsildar,
Pallavaram Taluk, Chromepet,
Chennai - 44.

7.The Executive Officer,
Kundrathur Town Panchayat,
Kundrathur, Chennai - 600 069.

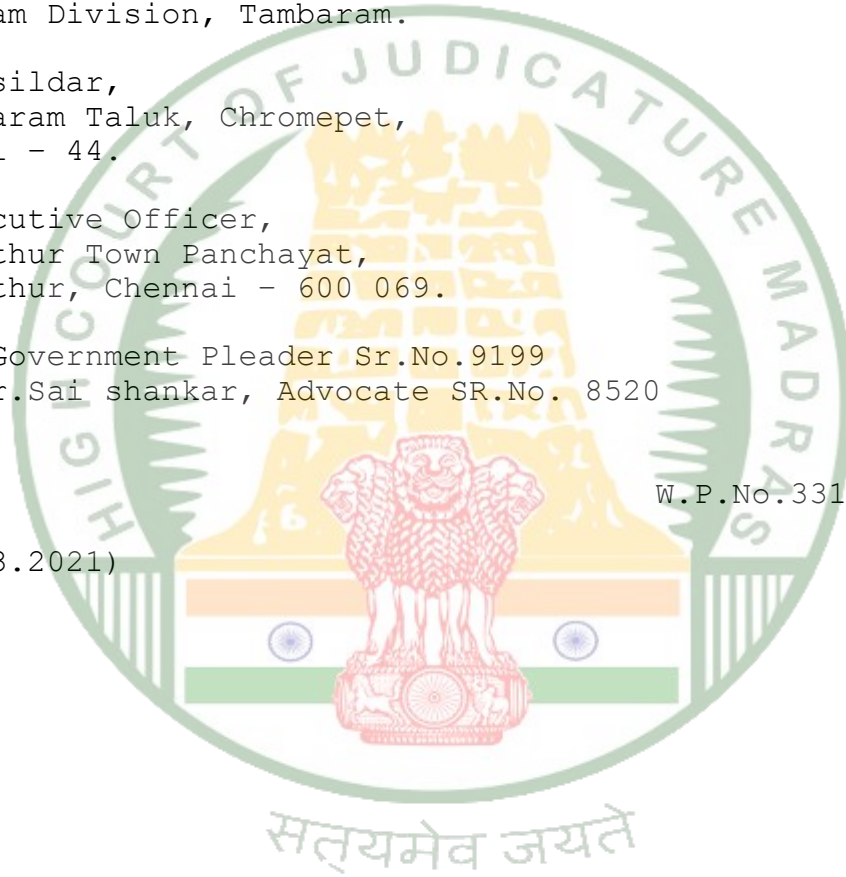
+1 cc to Government Pleader Sr.No.9199

+1cc to Mr.Sai shankar, Advocate SR.No. 8520

jp ii

A.SK(09.03.2021)

W.P.No.3318 of 2021



WEB COPY