

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2021

CORAM :

The Hon'ble Mr.SANJIB BANERJEE, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.10763 of 2021

S.Venkatesan

..Petitioner

-vs-

- 1.The District Collector,
Tiruvallur District,
Tiruvallur.
- 2.The District Revenue Officer,
Tiruvallur District, Tiruvallur.
- 3.The Revenue Divisional Officer,
Ponneri Revenue Division,
Ponneri, Tiruvallur District.
- 4.The Tahsildar,
Ponneri Taluk Office,
Ponneri 601 204,
- 5.The Village Administrative Officer,
Appalapuram Village,
O/o.Ponneri Taluk Office,
Ponneri - 601 204.

6.Prekumar Rajasekaran

7.Lavanya Premkumar

...Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the official respondents to consider the representation of the petitioner, dated 18.02.201 and thereby directing the official respondents to remove all encroachments made in the lands, Survey Nos.51, 52, 76, 77, 78/1, 79 and 82 situated at Appalapuram Village, Ponneri Taluk, Tiruvallur District and to keep the same as Cart Tracks (bunds) and Ponds (water bodies) free from all encroachments.

For Petitioner

: Mr.R.Munuswamy

For Respondents

: Mr.V.Jayaprakash Narayanan
State Government Pleader
for RR 1 to 5

ORDER

(Made by Senthilkumar Ramamoorthy, J.)

The writ petitioner complains of encroachments of lands in Survey Nos.51, 52, 74, 76, 77, 78/1, 79 and 82 at Appalapuram Village, Ponneri Taluk, Thiruvallur District.

2. It is asserted by the writ petitioner that the lands in some of the aforementioned survey numbers are classified as cart tracks in the relevant revenue records whereas some others are classified as Erikkarai Poramboke. However, it is stated that respondents 6 and 7 have encroached on these lands. In spite of submitting multiple representations to the official respondents, action was initiated but not followed through.

3. Mr.V.Jayaprakash Narayanan, learned State Government Pleader, accepts notice on behalf of respondents 1 to 5 and submits that the land in S.No.51 is in a different category inasmuch as a patta was issued in respect thereof in favour of the sixth and seventh respondents and proceedings are already pending before the second and third respondents in relation to the request for cancellation thereof. As regards other survey numbers, he states that these are, indeed, currently classified as public lands and therefore, the fourth respondent would be the appropriate authority to consider and dispose of the petitioner's representation.

4. Accordingly, without examining the merits of the matter, the petitioner is permitted to submit a fresh representation to the fourth respondent herein by enclosing all relevant documents. Such representation shall be submitted within a period of two weeks from the date of receipt of a copy of this order. Upon receipt thereof, the fourth respondent is directed to consider such representation and dispose of the same by a reasoned order within a period of eight weeks from the date of receipt of such representation, after providing a reasonable opportunity of hearing to all parties affected, including, in particular, the sixth and seventh respondents. Since the sixth and seventh respondents have been given an opportunity of hearing before orders are passed on the representation, the writ petition is being disposed of without notice to the said private respondents.

W.P.No.10763 of 2021 is disposed of without any order as to costs.

s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

sra
To

- 1.The District Collector,
Tiruvallur District,
Tiruvallur.
- 2.The District Revenue Officer,
Tiruvallur District, Tiruvallur.
- 3.The Revenue Divisional Officer,
Ponneri Revenue Division,
Ponneri, Tiruvallur District.
- 4.The Tahsildar,
Ponneri Taluk Office,
Ponneri 601 204,
- 5.The Village Administrative Officer,
Appalapuram Village,
O/o.Ponneri Taluk Office,
Ponneri - 601 204.

+1 CC to Mr.R.Munuswamy, Advocate sr 26149.
+1 CC to The Government Pleader sr 26382.

W.P.No.10763 of 2021

RGN (CO)
SP(06/07/2021)

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