

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.11016 of 2021
and
W.M.P.No.11672 of 2021

R.Amutha

..Petitioner

Vs

- 1.The Superintendent of Police,
O/o.District Police Office,
Vengikkal, Tiruvannamalai - 606 604.
- 2.The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Tiruvannamalai District.
- 3.The Special Tahsildar, (Adi Dravidar Welfare Department)
Chengam Taluk Office,
Tiruvannamalai District.
- 4.The State Rep. by,
The Inspector of Police,
Tiruvannamalai Taluk Police Station,
Tiruvannamalai District.

5.Mrs.Varalakshmi

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 4th respondent consider the representation dated 21.07.2020 in relating to the police protection sought by the petitioner for constructing the building in the subject property situate at Plot No.106, S.No.29/1A, 31/2B, New S.No.29/103, Patta No.537 admeasuring to an extent of 856 sqft. and consequentially, direct the 3rd respondent to act upon the enquiry conducted by the 4th respondent vide Na.Ka.No.A1/906/2020 on 30.07.2020 and further direct the 4th respondent to initiate legal action against the 5th respondent pertaining to the CSR No.594 of 2020 dated 01.08.2020 and thus dispose of the same within a time frame as fixed by this Court.

For Petitioner : Mr.R.Abdul Mubeen

For R1 to R4 : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

O R D E R
(Through Video Conferencing)

This petition has been filed seeking to direct the 4th respondent consider the representation dated 21.07.2020 in relating to the police protection sought by the petitioner for constructing the building in the subject property situate at Plot No.106, S.No.29/1A, 31/2B, New S.No.29/103, Patta No.537 admeasuring to an extent of 856 sqft. and consequentially, direct the 3rd respondent to act upon the enquiry conducted by the 4th respondent vide Na.Ka.No.A1/906/2020 on 30.07.2020 and further direct the 4th respondent to initiate legal action against the 5th respondent pertaining to the CSR No.594 of 2020 dated 01.08.2020 and thus dispose of the same within a time frame as fixed by this Court.

2.The petitioner is belonging to the Irullar Community who was allotted a housing plot in Anaikarai Village in Patta No.537 has been issued to the Tahsildar, attached to the Surveyor Department. The proceedings from the Special Tahsildar of Adi Dravidar Welfare Society and The District Welfare Officer of Adi Dravidar Welfare Society are also confirm the same. One Varalakshmi of the above said area was allotted a housing plot and had also acquired some other land from some others and build up the house in the acquired land and now encroaching the land which was allotted to the petitioner. The petitioner had lodged a complaint regarding the same to the respondent police and the case has been filed in CSR No.594 of 2020 but still no action had been taken. Hence, the present petition came to be filed.

3.It is seen that apart from the complaint to the respondent police the petitioner had also lodged a complaint to the Special Tahsildar, Adi Dravidar Welfare Department on 28.07.2020 who had call for a report about the encroachment from the Superintendent of Police, Tiruvannamalai Rural. The encroached land had been squarely on the beneficiaries land which has been allotted by the Government of Welfare of the homeless Scheduled Tribes people. Though the encroacher might be the another person or the same Community / Depressed Community.

4.In view of the same, the respondent police is directed to conduct the enquiry regarding the petitioner's representation

dated 21.07.2020 and remove the encroachers from the land and restore the disputed portion and handed it over to the petitioner so that for what purpose the land was allotted to the petitioner can be utilized. If any force are restrain shown while removing the encroachment, appropriate action will be taken against them.

5.This Writ Petition is disposed of with the above directions. No Costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

ssi

To

- 1.The Superintendent of Police,
O/o.District Police Office,
Vengikkal, Tiruvannamalai - 606 604.
- 2.The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Thiruvannamalai District.
- 3.The Special Tahsildar, (Adi Dravidar Welfare Department)
Chengam Taluk Office,
Tiruvannamalai District.
- 4.The Inspector of Police,
Tiruvannamalai Taluk Police Station,
Tiruvannamalai District.

+1cc to Mr.R.Abdul Mubeen, Advocate, S.R.No.26676

W.P.No.11016 of 2021
and
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RLD(CO)
CB(24/06/2021)

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