

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2021

CORAM :

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

AND

The Hon'ble Mr.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.11541 of 2019

G.Ezhilarasu

... Petitioner

-vs-

1. The District Collector,
Thiruvallur District,
Thiruvallur.
2. The Tahsildar,
Pallipattu, Thiruvallur District,
Thiruvallur.
3. The Welfare Officer,
District Adidraavidar and Schedule
Tribe Welfare Officer,
Thiruvallur District.
4. The Special Tahsildar,
Adidraavidar Welfare Officer,
Thiruthani.
5. Kuppaiah @ Kuppan
6. K.Rathinam
7. Suji
8. Thayarammal

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the 2nd respondent to remove the encroachments made by respondent nos.5 to 8 in the burial ground at Survey No.120/3 in Ramasamuthiram Panchayat and Village, Pallipattu Taluk, Thiruvallur District and form the graveyard, based on the recommendation of the 3rd respondent in Na.Ka.No. J1/27440/2017 dated 08.01.2018.

For Petitioner : Mr.D.Nellaiappan

For Respondents : Mrs.R.J.Radhika
Government Advocate
for RR 1 to 4

: No appearance
for RR 5 to 8

ORDER

(Made by Senthilkumar Ramamoorthy, J.)

The petitioner canvasses a grievance regarding encroachment by respondents 5 to 8 on the burial ground at Survey No.120/3 in Ramasamuthiram Panchayat and Village, Pallipattu Taluk, Thiruvallur District.

2. The petitioner states that upon repeated requests for allotment of land for a grave yard, the land in Survey No.120/3, which is classified as 'Parai Poramboke' in the relevant revenue records, was allotted for purposes of use as a grave yard. However, respondents 5 to 8 encroached on the said land. It is further stated that the sixth respondent filed a suit bearing O.S.No.43 of 2015 against respondents 1 and 2 and the said suit came to be dismissed for default by judgment dated 30.06.2017. Thereafter, a representation was submitted on 27.11.2017 by the President of Dalit People Front to take necessary action against respondents 5 to 8. Although respondent no.3 by communication dated 06.12.2017 forwarded such representation to respondents 2 and 4, no action was taken and this resulted in the filing of the writ petition.

3. It is represented on behalf of the petitioner that the official respondents have admitted in their counter-affidavit that Survey No.120/3 has been encroached upon by respondents 5 to 8. In spite of such admission, it is contended that the encroachments have not been removed.

4. Mrs.R.J.Radhika, learned Government Advocate, appears on behalf of respondents 1 to 4. She submits that necessary action would be taken to remove the encroachments in accordance with law and that if a representation is submitted by the petitioner to the first respondent, the said representation would be considered and disposed of within a specified time-frame.

5. Accordingly, without examining the merits of the matter, the petitioner is permitted to submit a fresh representation to the first respondent herein in respect of the encroachments in

Survey No.120/3. 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 first respondent is directed to consider such representation and dispose of the same within eight weeks of the receipt thereof in accordance with law after providing a reasonable opportunity to all affected parties including respondents 5 to 8 herein. In addition, in case it is concluded that there are encroachments, the first and second respondents are directed to initiate proceedings for eviction in accordance with law as against respondents 5 to 8. Such proceedings shall be concluded within a period of four months from the date of receipt of a copy of this order.

W.P.No.11541 of 2019 is disposed of on the above terms without any order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

SRA

To

1. The District Collector,
Thiruvallur District,
Thiruvallur.
2. The Tahsildar,
Pallipattu, Thiruvallur District,
Thiruvallur.
3. The Welfare Officer,
District Adidraavidar and Schedule
Tribe Welfare Officer,
Thiruvallur District.
4. The Special Tahsildar,
Adidraavidar Welfare Officer,
Thiruthani.

+1cc to Mr.D.Nellaiappan, Advocate, S.R.No.24425

W.P.No.11541 of 2019

PMK(CO)
TE (30/04/2021)