



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

and

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

W.P.No.13356 of 2021

D.Annamalai, Aged 63 years,
S/o.Mr.Duraisamy Achariyar,
Old No.3/10, New No.3/17,
Mariamman Koil Street,
Ponparapi Village and Post,
Senthurai Taluk,
Ariyalur District 621 710.

... Petitioner

Vs

1.The District Collector,
Office of the Collectorate,
Ariyalur District 621 714.

2.The District Revenue Officer,
Office of the Collectorate,
Ariyalur District 621 714.

3.The Superintendent of Police,
Office of the Superintendent of Police,
Ariyalur District 621 714.

4.The Revenue Divisional Officer,
Senthurai Taluk,
Ariyalur District 621 804.

5.The Tahsildar,
Senthurai Taluk Office,
Senthurai Taluk,
Ariyalur District 621 714.

6.Anbazhagan,
S/o.Muthusamy,
Ponparapi Village and Post,
Senthurai Taluk,
Ariyalur District 621 710.



7.Maragatham Ammal,
W/o.Muthusamy,
Ponparapi Village and Post,
Senthurai Taluk,
Ariyalur District 621 710.

... Respondents

PRAYER : Petition filed under Article 226 of Constitution of India for issuance of Writ of Mandamus directing the 5th respondent to consider the Petitioner's representation dated 24.02.2021 and evict the encroachers in the Government Poromboke land in Senthurai Village Survey No.374/38 within a stipulated period.

For Petitioner : Mr.M.K.Bhoopathy Rajan

For Respondents: Mrs.R.Anitha
State Government Counsel (for R1 to R5)

O R D E R

(Order of the Court was delivered by N.KIRUBAKARAN, J)

The Petitioner has come before this Court seeking Writ of Mandamus, directing the 5th Respondent to consider the Petitioner's representation dated 24.02.2021 in which the Petitioner alleged that the land in S.No.374/38 of Senthurai Taluk, Ponparappi Village is a Sarkar poromboke and it has been encroached upon by private Respondents. On seeing that the private Respondents encroached upon the Sarkar poromboke. the Petitioner gave a representation on 28.12.2020 and 05.02.2021 and thereafter, finally on 24.02.2021, which resulted no action. Hence the Petitioner has come before this Court.

2.Heard Mr.M.K.Bhoopathy Rajan, learned counsel appearing on behalf of the Petitioner and Mrs.R.Anitha, learned State Government Counsel appearing on behalf of Respondents 1 to 5. Notice to private Respondents is not necessary, as at this juncture, this Court is going to direct the authorities to give an opportunity to the parties and to take action based on the enquiry.

3.It is a specific case of the Petitioner that S.No.374/38 of Senthurai Taluk, Ponparappi Village is a Sarkar Poromboke. In this regard, the Petitioner relied upon the Adangal Register extract in which S.No.374/38 is shown as poromboke land. Though the Petitioner has given representation on various dates, no action has been taken. Therefore, the 5th Respondent/Tahsildar is directed to conduct an enquiry, after giving an opportunity to the Petitioner and to the private Respondents and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order.



4.It is made clear that without providing an opportunity to the private Respondents, no orders should be passed. If such an order is passed, without giving an opportunity to the private Respondents, it will amount to violation of Court order, for which the private Respondents are entitled to maintain a Contempt Petition.

5.With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

sai

To

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5.The Tahsildar,
Senthurai Taluk Office,
Senthurai Taluk,
Ariyalur District 621 714.

+1cc to Mr.M.K.Bhoopathy Rajan, Advocate, S.R.No.29629

W.P.No.13356 of 2021

GPL(CO)
SB(20/07/2021)