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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2021

CORAM :

THE HON'BLE MR.JUSTICE N.KIRUBAKARAN
and
THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

W.P.Nos.15202 & 15206 of 2021

W.P.No.15202 of 2021:

Chinnakulandai Ammal

...Petitioner

Vs

- 1.The District Revenue Officer,
Collectorate,
Vengikkal,
Tiruvannamalai - 606604.
- 2.The Revenue Divisional Officer,
Tiruvannamalai,
Tiruvannamalai - 606601.
- 3.The Tahsildar,
Tiruvannamalai Taluk,
Tiruvannamalai - 606601.

4.Kali Gounder

5.Munusamy

...Respondents

W.P.No.15206 of 2021:

Anusuya Ammal

...Petitioner

Vs

- 1.The District Revenue Officer,
Collectorate,
Vengikkal,
Tiruvannamalai - 606604.
- 2.The Revenue Divisional Officer,
Tiruvannamalai,
Tiruvannamalai - 606601.



3.The Tahsildar,
Tiruvannamalai Taluk,
Tiruvannamalai - 606601.

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4.Velayutha Gounder

...Respondents

COMMON PRAYER : Writ Petitions filed under Article 226 of the Constitution of India, praying for issuance a Writ of Mandamus, directing the Respondents 1 to 3 herein to remove the encroachment of the Government poromboke land comprised in S.No.81, Ayyampalayam Village, Tiruvannamalai Taluk and District, as per the G.O.Ms.No.540 Revenue (L.D.6 (2)) Department dated 04.12.2014 by invoking the provisions of the Tamil Nadu Land Encroachment Act 1905.

For Petitioner in both Petitions : Mr.P.Mani

For Respondents in both Petitions : Mr.P.Balathandayutham,
State Government Counsel
for R1 to R3.

C O M M O N O R D E R

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

These matters have been heard through "Video Conference".

2.The Petitioners have come before this Court seeking Writ of Mandamus, directing Respondents 1 to 3 herein to remove the encroachment of the Government poromboke land comprised in S.No.81, Ayyampalayam Village, Tiruvannamalai Taluk and District, as per the G.O.Ms.No.540 Revenue (L.D.6 (2)) Department dated 04.12.2012 by invoking the provisions of the Tamil Nadu Land Encroachment Act 1905.

3.The Petitioners are the owners of the land measuring to an extent of 2261 3/4 sq.ft., and 2192 sq.ft., out of 4 acres in S.No.80/1, Ayyampalayam Village, Tiruvannamalai Taluk & District. On the northern side of the above said land, Government Poromboke land comprised in S.No.80/3B is located and the said land is used by the Petitioner in W.P.No.15202 of 2021 to reach her land and further, Government Poromboke land in S.No.81 situated on the northern side of the property has been used by the Petitioner in W.P.No.15206 of 2021 to reach her land.

4.However, it is alleged that private respondents have encroached upon the said Government Poromboke land and put up sheds preventing the ingress and egress to the Petitioners'



land. Therefore, the Petitioners gave representation to the Third Respondent on 18.12.2020 to remove the encroachments as per the Government Order in G.O.Ms.No.540 Revenue Department dated 04.12.2014. Since no action has been taken, a representation dated 18.02.2021 was given to the Second Respondent to take action against the encroachers. However, since the said representation has not been considered and no action has been taken, the Petitioners have come before this Court.

5.Heard Mr.P.Mani, Learned Counsel for the Petitioners in both the Petitions and Mr.P.Balathandayutham, Learned State Government Counsel appearing for the Respondents 1 to 3 in both the Petitions. Notice to the private respondents in both the Petitions at this stage is not necessary and the same is dispensed with.

6.Considering the above facts and circumstances, the Third Respondent is directed to make spot inspection of the property comprised in S.No.80/1, Ayyampalayam Village, Tiruvannamalai Taluk & District after serving notice on the Petitioners as well as the private Respondents and to the concerned parties. If the Third Respondent finds that the land comprised on northern side of the above said property is a Government Poromboke land and it has been encroached upon, the Third Respondent is directed to take appropriate action to remove the said encroachments after following the due process of law, after hearing the Petitioners as well as the private Respondents and the concerned parties, within a period of twelve weeks from the date of receipt of a copy of this order.

7.It is made clear that the Petitioners as well as the private Respondents and the parties concerned shall be given notices before taking any action and if any such action is taken without serving notices on the Petitioners and the private Respondents and the parties concerned, it will be deemed to be violation of Court order for which they are entitled to take contempt proceedings.

8.With the above directions, these Writ Petitions are disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ay/rri



To

1.The District Revenue Officer,
Collectorate,
Vengikkal,
Tiruvannamalai - 606604.

2.The Revenue Divisional Officer,
Tiruvannamalai,
Tiruvannamalai - 606601.

3.The Tahsildar,
Tiruvannamalai Taluk,
Tiruvannamalai - 606601.

+2cc to Mr.P.Mani, Advocate SR.No.35475, 35476

+1cc to the Government Pleader, SR.No.35969, 35970

W.P.Nos.15202 & 15206 of 2021

GSM(CO)
RVM(18/08/2021)