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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2021

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.17842 of 2021
and W.M.P.No.19052 of 2021

1. Vinayagam
2. R.Srinivasan
3. R.Bhavani
4. Vijayalakshmi
5. Marimuthu
6. V.Boopathy

... Petitioners

-Vs-

1. The District Collector,
Kanchipuram District at
Kanchipuram.
2. The Revenue Divisional Officer,
Kanchipuram,
Kanchipuram District.
3. The Tahsildar,
Kanchipuram Taluk,
Kanchipuram District.
4. The Head Surveyor,
Kanchipuram,
Kanchipuram District.
5. The Village Administrative Officer,
Sevilimedu,
Kanchipuram District.
6. The Assistant Commissioner,
Hindu Religious and Charitable Endorsement Department.
Collector Office Campus, Kanchipuram.
7. The Inspector of Police,
B3 Kanchi Taluk Police Station,
Kancheepuram.
8. V.Sankar
9. B.Panneer

... Respondents



Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the Respondents herein more particularly the Respondents 2 and 3 to consider the Petitioner Representation dated 16.07.2021 forthwith for cancelling the acquired land proceeding and handing over our lands to us comprised in S.No.985/9 situated at Sevilimedu Village now comes under Kanchipuram Municipality in Kanchipuram District after removing the illegal encroachments of the said land.

For Petitioners: Mr.John Sathyan
For R1 to R7 : Mr.A.Selvendran
Special Government Pleader.

ORDER

This Writ Petition has been filed for the issuance of Writ of Mandamus, directing the Respondents herein more particularly the Respondents 2 and 3 to consider the petitioner representation, dated 16.07.2021 forthwith for cancelling the acquired land proceeding and handing over our lands to us comprised in S.No.985/9 situated at Sevilimedu Village now comes under Kanchipuram Municipality in Kanchipuram District after removing the illegal encroachments of the said land.

2. Heard Mr.John Sathyan, learned counsel appearing for the petitioners and Mr.A.Selvendran, learned Special Government Pleader appearing for the respondents 1 to 7.

3. The case of the petitioners is that their house constructed in the land comprised in Old Survey No.238/1A1, New Survey No.985 to an extent of 17.78.5 hectares classified as Grama Natham. However, the sixth respondent claimed the subject property and treated the petitioners as encroachers. Thereafter, without issuing any notice, without conducting any enquiry, the Revenue Officials had demolished the entire premises and proposed to convert the said land as park.

4. The learned counsel for the petitioners would submit that the subject property is correlated with Old Survey No.238/1A1 and also produced encumbrance certificate. He further submitted that as per the "A" Register, the land comprised in Survey No.237 only belong to the sixth respondent and the land comprised in 238/1A1 is classified as Grama Natham which belong to the petitioners.

5. Whereas, the sixth respondent claimed that the subject property owned by Arulmigu Mariyamman Thirukoil, Sevilimedu and the petitioners have encroached the subject land and constructed houses. Therefore, requested the Revenue Officials i.e. third respondent to measure the subject



property and accordingly, after surveying the land on 17.06.2021 removed the encroachment in accordance with law and the sixth respondent is in possession and enjoyment of the same.

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6. However, the petitioner made a representation on 16.07.2021 to the respondents 2 and 3 to handover their land after removing the illegal encroachment made by the sixth respondent.

7. Considering the above, the third respondent is directed to measure the land comprised in Survey No.237 and Survey No.238/1A1 as per the documents produced by the petitioners and the sixth respondent and after giving them an opportunity of hearing, pass orders on the representation of the petitioner, dated 16.07.2021 on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above direction, this writ petition is disposed of. Consequently, connected Miscellaneous petition is closed. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Kanchipuram District at
Kanchipuram.
2. The Revenue Divisional Officer,
Kanchipuram,
Kanchipuram District.
3. The Tahsildar,
Kanchipuram Taluk,
Kanchipuram District.
4. The Head Surveyor,
Kanchipuram,
Kanchipuram District.
5. The Village Administrative Officer,
Sevilimedu,
Kanchipuram District.



6. The Assistant Commissioner,
Hindu Religious and Charitable Endorsement Department.
Collector Office Campus, Kanchipuram.

7. The Inspector of Police,
B3 Kanchi Taluk Police Station,
Kancheepuram.

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PMK (CO)
A.SK(06.12.2021)