



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Wednesday, the Twenty Fifth day of August Two Thousand Twenty One

PRESENT

THE HON'BLE MR JUSTICE SANJIB BANERJEE, THE CHIEF JUSTICE

AND

THE HON'BLE MR JUSTICE P.D.AUDIKEVALU

WMP.NO.19084 OF 2021

IN WP.NO.6919 OF 2019

1 SELVAM [PETITIONERS]

2 VELMURUGAN

3 VENKATESAN

4 SAMPATH

5 KRISHNAMOORTHY

6 SUBRAMANI NAIKER

7 SHANMUGAM

8 CHANDRAMOHAN

9 DHANASEKARAN

10 MURUGAN

11 JAYASANKAR

12 PARASURAMAN

13 SELVAM

14 NATARAJ

Vs

1 P.MURUGAN [RESPONDENTS]

2 THE DISTRICT COLLECTOR

COLLECTORATE TIRUVANNAMALAI- 606 604



3 THE ASSISTANT DIRECTOR (PANCHAYAT),
COLLECTORATE TIRUVANNAMALAI- 606 604

4 THE REVENUE DIVISIONAL OFFICER
TIRUVANNAMALAI- 606 601

5 THE TAHSILDAR
TALUK OFFICE CHENGAM AND CHENGAM TALUK
TIRUVANNAMALAI- 606 701

6 THE BLOCK DEVELOPMENT OFFICER
(VILLAGE PANCHAYAT) UNION OFFICE,
CHENGAM, TIRUVANNAMALAI DISTRICT - 606 701

7 THE REVENUE INSPECTOR
PACHAL FIRKA, PACHAL VILLAGE
CHENGAM TALUK, TIRUVANNAMALAI DISTRICT -606 704

8 THE VILLAGE ADMINISTRATIVE OFFICER,
KANNAKURUKKAI VILLAGE PACHAL POST
CHENGAM TALUK 606 704
TIRUVANNAMALAI DISTRICT.

9 HARIRAM

10 KAMARAJ

11 DEVAN

12 RAMALINGAM ALIAS DHANASEKARAN

13 PANNEER

14 PALANI

15 SAKTHIVEL

16 SELVAM

17 KUMAR

18 GOVINDASAMY

19 ARUMUGAM

20 SANTHI

21 RAVI

22 KANNABIRAN

23 NAVANEETHAM



24 MANI

25 ARUMUGAM

26 SIVANANDAM

27 VIJAYA

28 BASKARAN

29 SOUNDER

30 PAVUNKUMAR

31 SIVANANDAM

32 SIVASANKAR

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to modify/clarify the order made in WP.No.6919 of 2019 dated 07.12.2020 by directing appropriate consideration of the claim of the petitioners as per the statutory act and rules. (In WMP.NO.19084/2021)

Order : This petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.L.CHANDRAKUMAR, Advocate for the petitioner and of M/S.M.SRIDHAR, Advocate for the 1st Respondent and of M/S.R.ANITA, Counsel for State for the Respondents 2 to 5 and 7, the court made the following order:-

(Made by the Hon'ble Chief Justice)

The application is for modification of an order dated December 7, 2020 by which the writ petition was disposed of.

2. The applicants claim to have been added as parties but say that the applicants could not be represented when the petition was disposed of on December 7, 2020 due to connectivity problems. The main grievance of the applicants pertains to the direction issued in paragraph 4 of the relevant order:

"4.This Court, taking into consideration the facts and circumstances, and after considering the rival submissions, directs the 5th respondent to follow due process of law and also by adhering to the principles of natural justice, to cause removal of the encroachments in respect of the land in Survey Nos.92, 95, 78/1, 6/1 and 87 of Kannakurukai Village, Pachaal Post, Chengal Taluk, Thiruvannamalai District, and complete the said exercise within a period of ten weeks from the date of receipt of



a copy of this order and communicate the decision taken to the petitioner, as well as to the private respondents, and other encroachers, if any."

3. The applicants say that they are in possession of documents that would justify the applicants' occupation of the relevant premises. The applicants submit that in view of the wording of the relevant order, particularly at paragraph 4 thereof, the authorities are purporting not to follow the due procedure and remove the applicants from the premises without affording any opportunity to the applicants to present their case.

4. Paragraph 4 of the relevant order is clear and there can be no room for any confusion. It has directed the fifth respondent Block Development Officer "to follow due process of law and also by adhering to the principles of natural justice". It is true that the relevant paragraph has also required the encroachments to be removed but that does not imply that the perceived encroachers may not be heard or may be summarily removed without being afforded any reasonable hearing.

5. Since paragraph 4 of the relevant order is quite clear and there should not be any doubt in any official's mind as how to go about the matter in the light of such directions, W.M.P.No.19084 of 2021 is dismissed as redundant. There will be no order as to costs. W.P.No.6919 of 2019 should be regarded as disposed of.

-sd/-
25/08/2021
/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE DISTRICT COLLECTOR
COLLECORATE TIRUVANNAMALAI- 606 604

2 THE ASSISTANT DIRECTOR (PANCHAYAT),
COLLECTORATE TIRUVANNAMALAI- 606 604

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(VILLAGE PANCHAYAT) UNION OFFICE,
CHENGAM, TIRUVANNAMALAI- 606 701



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PACHAL FIRKA, PACHAL VILLAGE CHENGAM TALUK
TIRUVANNAMALAI- 606 704

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7 THE VILLAGE ADMINISTRATIVE OFFICER,
KANNAKURUKKAI VILLAGE PACHAL POST
CHENGAM TALUK 606 704
TIRUVANNAMALAI

Order

in
WMP.NO.19084/2021

IN WP.NO.6919/2019

Date :25/08/2021

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