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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2021

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.21671 of 2021
and W.M.P.Nos.22847 and 22848 of 2021

1. Chinnathangam
2. A.Saminathan

... Petitioners

-Vs-

1. The Principal Secretary,
Government of Tamil Nadu,
Personal and Administrative Reforms Department,
Fort St.George, Chennai-600009.
2. The District Collector,
O/o the District Collectorate,
Salem District.
3. The Divisional Revenue Officer,
O/o the Divisional Revenue Officer,
Mettur Taluk, Salem District.
4. The Revenue Tahsildar,
O/o the Revenue Tahsildar,
Omalar Taluk, Salem District.
5. The Tahsildar,
(Adithiravider welfare department)
O/o the Revenue Tahsildar office,
Omalar Taluk, Salem District.

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the second to fifth respondents to demolish the illegal construction situated at Old S.No.49/1, New S.No.49/1A and present S.No.49/1A1A, Vellalapatti Village, Omalar Taluk, Salem District and handover vacant land of 0.15 cents to the petitioners which was illegally occupied by the respondents 2 to 5 herein and consequently direct the first respondent to pay the compensation to the petitioners and consider the petitioners' representation on 14.08.2021 within the stipulated time may be fixed by this Hon'ble Court.



For Petitioners : Mr.G.Munuraj
For Respondents : Mr.A.Selvendran
Special Government Pleader.

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ORDER

This Writ Petition has been filed for the issuance of Writ of Mandamus, directing the two to fifth respondents to demolish the illegal construction in situate at Old S.No.49/1, New S.No.49/1A and present S.No./49/1A1A, Vellalapatti Village, Omalur Taluk, Salem District and the same handover vacant land of 0.15 cents to the petitioners which was illegally occupied by the two to fifth respondents herein and consequently direct the first respondent pay the compensation to the petitioners and consider the petitioners' representation on 14.08.2021 with the stipulate time may be fixed by this Hon'ble Court.

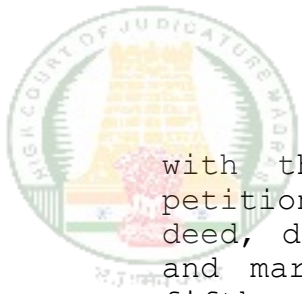
2. Heard Mr.G.Munuraj, learned counsel appearing for the petitioners and Mr.A.Selvendran, learned Special Government Pleader appearing for the respondents.

3. The land comprised in Old Survey No.49/1, New Survey No. 49/1A and present Survey No.49/1A1A, Vellalapatti Village, Omalur Taluk, Salem District, originally purchased by one Nachiappan son of Manickam by the registered sale deed, vide Document No.879 of 1981. Thereafter, the petitioners have purchased the said property by the registered sale deed, dated 13.11.1998 registered vide Document No.2768 of 1998. After sub division, the Old Survey No.49/1, New Survey No.49/1A, present Survey No.49/1A1A and the petitioners were issued Patta in Patta No.385. They are cultivating the same.

4. While being so, the Special Tahsildar, Adithravidar Welfare Department, Omalur Taluk, Salem had acquired the same property for the purpose of issuing free house Patta in favour of Adithravidar in the year 2000. They have illegally occupied 15 cents of the petitioners' patta land and issued free house Patta to the Adithravidars.

5. Though, the petitioner made several representations, those were not considered. Since, the petitioners are being illiterate, they could not be able to pursue further. However, they repeatedly sent the representations to stop putting construction in the said land by the beneficiaries and also requested to acquire the said land and pay compensation. Even till today, their representations are not considered by the respondents.

6. Considering the above, the fifth respondent is directed to survey and measure the property comprised in Old Survey No.49/1, New Survey No.49/1A and present Survey No.49/1A1A situated at Vellalapatti Village, Omalur Taluk, Salem District,



with the help of a surveyor, after giving notice to the petitioners and in presence of the petitioners as per the sale deed, dated 13.11.1998 registered vide Document No.2768 of 1998 and mark the boundaries. If any property encroached by the fifth respondent, the fifth respondent is directed pay adequate compensation with interest in accordance with law to the petitioners at the rate of present market value, within a period of four weeks thereafter.

7. With the above directions, this writ petition is disposed of. Consequently, connected Miscellaneous petitions are closed. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary,
Government of Tamil Nadu,
Personal and Administrative Reforms Department,
Fort St.George, Chennai-600009.
2. The District Collector,
O/o the District Collectorate,
Salem District.
3. The Divisional Revenue Officer,
O/o the Divisional Revenue Officer,
Mettur Taluk, Salem District.
4. The Revenue Tahsildar,
O/o the Revenue Tahsildar,
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5. The Tahsildar,
(Adithiravider welfare department)
O/o the Revenue Tahsildar office,
Omalar Taluk, Salem District.

+1cc to Mr.C.Muniuraj, Advocate, S.R.No.58784

+1cc to the Government Pleader, S.R.No.59483

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NRL(CO)
SB(01/12/2021)