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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.10.2021

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM
AND
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

W.P. NO.20908 OF 2021
AND WMP.NO.22182 OF 2021

Prasanna

.. Petitioner

Versus

1. The Secretary to Government of Tamil Nadu,
Revenue Department,
Fort St. George, Chennai 600 009.
2. The District Collector,
Kancheepuram District.
3. The District Revenue Officer,
Kancheepuram District.
4. The Tahsildar,
Walajabad,
Kancheepuram District.
5. The Village Administrative Officer,
Uthukaddu,
Walajabad Taluk,
Kancheepuram District.

.. Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents 2 to 4 not to take any coercive steps to evict the petitioner from Survey No.543/7, an extent of 6 acres in Uthukadu Village, Walajabad Taluk, Kancheepuram District and consequently direct the respondents 2 to 4 to issue patta in favour of the petitioner in Survey No.543/7 an extent of 6 acres in Uthukadu Village, Walajabad Taluk, Kancheepuram District.



For petitioner : Mr.K.Balakrishnan

For respondents : Mr.T.N.C.Kaushik

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ORDER

(The Order of the Court was made by K.KALYANASUNDARAM, J)

The Writ Petition is heard through video conferencing.

2. The petitioner has filed this petition seeking a direction to the respondents 2 to 4 not to take coercive steps to evict the petitioner from Survey No.543/7 to an extent of 6 acres in Uthukadu Village, Walajabad Taluk, Kancheepuram District.

3. The learned counsel appearing for the petitioner Mr.K.Balakrishnan would state that the petitioner is in possession of Maikkal Poramboke land to an extent of 6 acres in 543/7 for more than 30 years, but the respondents attempted to demolish the construction put up by the petitioner and evict him. In this regard, the petitioner has given a representation to the second respondent and he will be satisfied if a direction is issued to the second respondent to consider his representation.

4. Per contra, T.N.C.Kaushik, learned Government Advocate on instructions would state that the land in Survey No.543/7 has an extent of 1.39.5 hectares and it has been classified as Kallanguthu in Revenue Records. It is his submission that the petitioner, who owns adjacent land, is attempting to encroach the land in Survey No.543/7. He would further state that the respondents have decided to issue patta to the landless poor, who belongs to the Schedule Caste and they have also identified the beneficiaries numbering totally 76 and the encroachment made by the petitioner was already removed. According to the learned Government Advocate, the prayer sought for in the Writ Petition has become infructuous.

5. In the instant case, even though the petitioner says that the land in dispute is Maikkal Poramboke, no supporting documents have been produced. However, considering the fact that the petitioner has given a representation to the second respondent, it can be disposed of in accordance with law.



6. With the above observations, the Writ Petition is disposed of.No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

pvs

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+1cc to Mr. K.Balakrishnan, Advocate, SR.NO.55752

W.P. NO.20908 OF 2021

NMI (CO)
PM/24/11/2021