



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2021

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.NO.22597 OF 2021

Krishnammal

... Petitioner

Versus

1. The District Collector of Thiruvannamalai,
Thiruvannamalai.
2. The District Revenue Officer,
Thiruvannamalai.
3. The Tahsildar,
Thiruvannamalai.
4. The Commissioner/Block Development Officer,
Thiruvannamalai Panchayat Union,
Thiruvannamalai.

... Respondents

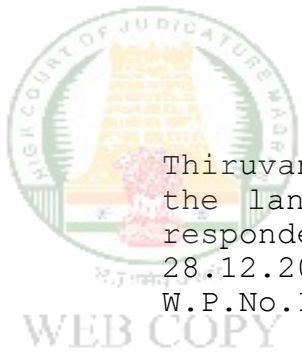
PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus directing the third respondent to measure the petitioner's patta land bearing Patta No.2345, Natham S.No.262/7 an extent of 2.25 cents Vengaikkal Village, Thiruvannamalai Taluk and District and laying pathway to connect the land after removing the obstruction and to comply the fourth respondent proceedings in Na.Ka. No.A7/2634/2020 dated 28.12.2020 as per the order of this Court dated 07.09.2020 in W.P.No.12074 of 2020.

For Petitioner : Mr.V.Raghupathi

For Respondents : Mr.K.M.D.Muhilan
Government Advocate

O R D E R

This writ petition is filed for the issuance of a writ of mandamus directing the third respondent to measure the petitioner's patta land bearing Patta No.2345, Natham S.No.262/7 to an extent of 2.25 cents in Vengaikkal Village,



Thiruvannamalai Taluk and District and lay pathway to connect the land after removing the obstruction and comply the fourth respondent's proceedings in Na.Ka.No.A7/2634/2020 dated 28.12.2020 as per the order of this Court dated 07.09.2020 in W.P.No.12074 of 2020.

2. The case of the petitioner is that she is the wife of deceased Adhikesavulu who is a Freedom Fighter. It is stated that the first respondent by his order dated 01.03.2017 ordered to issue patta to the petitioner for an extent of 0.0091 sq.m. in S.No.262/7 at Venkikkal Village. It is further stated that the concerned Tahsildar and Revenue Authorities have allotted the land and informed the petitioner's son that the said land was allotted to some other person. On a complaint by the petitioner, the Director of Rural Development, Thiruvannamalai by his letter dated 07.05.2018 recommended the issue patta to the petitioner. It is further stated that third respondent issued patta to an extent of 0.0091 sq.m. in Vengaikkal Village Natham S.No.262/7-H.S.62/1426 Fazali dated 01.03.2017. It is stated that as per the proceedings of District Collector of Thiruvannamalai in his letter Na.Ka.No.V2/6435/2018 dated 09.11.2018 and also the letter of Under Secretary to Government in Na.Ka.45491/ni-mu3(1)/2017-1 dated 08.12.2017, green house has been ordered to be sanctioned and constructed by the Government to the petitioner. It is further stated that the petitioner made a representation to the fourth respondent to allot green house to her. Since no action was taken, the petitioner filed a writ petition in W.P.No.12074 of 2020 before this Court and this Court by order dated 07.09.2020, disposed of the writ petition by directing to the eighth respondent therein to consider and dispose of the petitioner's representation within a stipulated time.

3. It is stated that the petitioner made a fresh representation along with the documents to the eighth respondent on 05.11.2020. Since the order of this Court dated 07.09.2020, was not complied with, the petitioner filed a contempt petition in Cont.P. No.264 of 2021. It is stated that when the matter was listed, the fourth respondent issued his proceedings in Na.Ka.No.A7/2634/2020 dated 28.12.2020. It is further stated that the fourth respondent informed the petitioner to start basic construction work in the allotted land. To her shock and surprise, the petitioner found that there is no way to connect to her property due to encroachment. Hence, the petitioner approached the fourth respondent to remove the said obstruction and the fourth respondent, in turn, advised the petitioner to approach the revenue authorities. It is further stated that the petitioner made a representation to the third and fourth respondent to comply with the order of this Court dated 07.09.2020 and measure the extent of her land and lay pathway to



connect her property. Since there was inaction on the part of the third respondent, the petitioner filed this present writ petition.

4. Learned counsel for the petitioner submitted that the fourth respondent has recently sent a reminder to the third respondent about the order of this Court dated 07.09.2020. Despite reminder, the third respondent failed to consider the same. He further submitted that the petitioner being a senior citizen, was made to run from pillar to post.

5. Learned Government Advocate appearing for the respondents submitted that this Court may direct the third respondent to comply with the order of this Court dated 07.09.2020.

6. This Court, while closing the contempt petition, given liberty to the petitioner that if she face any difficulty in implementing the sanction order to proceed further with the work due to the encroachment, the petitioner has to independently workout her remedy in accordance with law. It is seen that till date obstructions were not removed and the petitioner is unable to start the construction work in the allotted land. Considering the circumstances of this case, this Court directs the third respondent to measure the petitioner's patta land bearing Patta No.2345, Natham S.No.262/7 to an extent of 2.25 cents Vengaikkal Village, Thiruvannamali Taluk and District, with the help of Surveyor and evict the encroachments, if any, from the petitioner's land, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

bkn

To

1. The District Collector of Thiruvannamalai,
Thiruvannamalai.
2. The District Revenue Officer,
Thiruvannamalai.



3. The Tahsildar,
Thiruvannamalai.

4. The Commissioner/Block Development Officer,
Thiruvannamalai Panchayat Union,
Thiruannamalai.

+1cc to Mr.V.Raghupathi, Advocate, S.R.No.54133
+1cc to the Government Pleader, S.R.No.55043

W.P.NO.22597 OF 2021

SSI (CO)
PBS/14/02/2022