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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2021

CORAM

THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN

WP.No.25998 of 2021

C.Elumalai

...Petitioner

Vs

1.The Tahsildar,
Tiruvannamalai Taluk,
Tiruvannamalai District

2.Village Administrative Officer,
Vengikkal Village, Aadaiyur Group Villages,
Thiruvannamalai

...Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondents from interfering with the usage of the existing road as laid and dispossessing him from the property of his own, situated at Plot No.6, having an extent of 1800 sq.ft. being part of S.No.191/4 (New Survey No.257/5) and S.No.191/5 (New Survey No.257/6), Vengikkal, Thiruvannamalai District.

For Petitioner : Mr.P.G.Thiyagu

For Respondents : Mr.V.Jeevagiridharan,
Additional Government Pleader

ORDER

This writ petition is filed to issue a Writ of Mandamus forbearing the respondents from interfering with the usage of the existing road as laid and dispossessing him from the property of his own, situated at Plot No.6, having an extent of 1800 sq.ft. being part of S.No.191/4 (New Survey No.257/5) and S.No.191/5 (New Survey No.257/6), Vengikkal, Thiruvannamalai District.



2. Heard, Mr.P.G.Thiyagu, the learned counsel for the petitioner, and Mr.V.Jeevagiridharan, Additional Government Pleader appearing for the respondents.

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3. The case of the petitioner is that the petitioner owned piece of land to an extent of 1800 sq.ft. comprised in survey No.191/4, new survey No.257/5 situated at Vengikkal Revenue Village, Aadaiyur Group Villages, Tiruvannamalai. However, third party, one, Mr.Appadurai claimed himself as landless Ex-serviceman and belongs to the scheduled community encroached the land to an extent of 0.10.0 cents in survey No.256/1, Vengikkal Village, Tiruvannamalai, which is used by common public as common passage. He also made representation before the revenue authorities and he filed writ petition before this Court in WP.No.5021 of 2015 and this Court directed the respondents to consider the representation of the said Appadurai dated 18.02.2015 in accordance with law. Therefore, the petitioner also filed writ petition in WP.No.18995 of 2015 to conduct detailed enquiry for the reason that the revenue officials are about to assign the said land in favour of the said Appadurai. The petitioner also submitted representation to the revenue officials.

4. Mr.V.Jeevagiridharan, Additional Government Pleader appearing for the respondents submitted that the petitioner sought for police protection before this Court in WP.No.10902 of 2021 and this Court directed to conduct enquiry and complete the same within a period of four weeks. The enquiry is still pending, While being so, the petitioner digged for foundation to construct house and as such the Village Administrative Officer lodged complaint before the Inspector of Police, Gramiya Police Station, Tiruvannamalai and assigned CSR No.619 of 2021. Already there is an FIR registered in Cr.No.673 of 2021 and referred the same before the Revenue Divisional Officer to initiate proceedings under Section 145 Cr.P.C., which is pending.

5. Considering the above, the Revenue Divisional Officer, Tiruvannamalai is directed to issue notice to the petitioner and the counter parties, if any, and complete the proceedings initiated under Section 145 Cr.P.C. on the reference made by the Inspector of Police, Gramiya Police Station, Tiruvannamalai after giving them opportunity of hearing within a period of twelve weeks from the date of receipt of copy of this order.



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6. With the above direction, this writ petition is disposed of. No order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The Tahsildar,
Tiruvannamalai Taluk,
Tiruvannamalai District
- 2.Village Administrative Officer,
Vengikkal Village, Aadaiyur Group Villages,
Thiruvannamalai
3. The Revenue Divisional Officer
Tiruvannamalai

+1 CC to Mr.P.G.Thiyagu, Advocate sr 65144
+1 CC to The Government Pleader sr 65815.

WP.No.25998 of 2021

NRL(CO)
SP(27/12/2021)