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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2021

CORAM :

THE HON'BLE MR. JUSTICE M.DURAI SWAMY
AND
THE HON'BLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.27351 of 2021

T.Sampath Shailaja Kumar

...Petitioner

Vs.

1. The Commissioner,
Survey and Settlement Department,
Survey House, Chepauk,
Chennai - 600 005.
2. The Commissioner,
Hindu Religious and Charitable Endowments,
No.119, Uthamer Gandhi Road,
Chennai - 600 034.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Tiruvallur District - 602 001.
4. The District Collector,
Tiruvallur,
Tiruvallur District - 602 001.
5. The Tahsildar,
Poonamallee Taluk,
Thiruvallur District - 600 056.

...Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of mandamus directing the respondent to consider the representations of the petitioner dated 25.09.2019 and 11.10.2019 and consequently direct the 5th respondent to evict the squatters from the encroachment Tiruvallur District, Poonamallee Circle, Thirumanam Village, Vannarkuttai bearing Survey Number 401/3 and the extent of total area is 42 cents within the time frame fixed by this Court.



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For Petitioner : Ms.Rittika for
M/s.Nathan and Associates

For Respondents : Mr.P.Muthukumar,
Government Pleader (R1, R4 & R5)

Mr.S.Yashwanth,
Additional Government
Pleader (HR & CE) (R2 & R3)

O R D E R

(ORDER OF THE COURT WAS MADE BY M.DURAI SWAMY, J.)

The petitioner has filed the above Writ Petition as Public Interest Litigation to issue a Writ of mandamus directing the respondent to consider the representations of the petitioner dated 25.09.2019 and 11.10.2019 and consequently direct the 5th respondent to evict the squatters from the encroachment Tiruvallur District, Poonamallee Circle, Thirumanam Village, Vannarkuttai bearing Survey Number 401/3 and the extent of total area is 42 cents within a time frame.

2.Mr.P.Muthu Kumar, learned Government Pleader taking notice for the respondents 1, 4 & 5 and Mr.S.Yashwanth, learned Additional Government Pleader taking notice for the 3rd respondent, submitted that the 3rd respondent would consider the petitioner's representations dated 25.09.2019 and 11.10.2019 and take appropriate steps under the Hindu Religious and Charitable Endowments Act for evicting the encroachers from the land in Survey No.401/3 within a period of eight weeks.

3.Since the petitioner has not given any representation to the respondents 2 & 3, we give liberty to the petitioner to give fresh representations to the respondents 2 & 3 within one week from the date of receipt of a copy of this order and on receipt of the same, the 3rd respondent is directed to consider the representation to be given by the petitioner and take steps to evict the encroachers as per the provisions of the Hindu Religious and Charitable Endowments Act within a period of eight weeks from the date of receipt of the representation.



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4. With these observations, the Writ Petition is disposed of.
No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

va

To

1. The Commissioner,
Survey and Settlement Department,
Survey House, Chepauk,
Chennai - 600 005.
2. The Commissioner,
Hindu Religious and Charitable Endowments,
No.119, Uthamer Gandhi Road,
Chennai - 600 034.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Tiruvallur District - 602 001.
4. The District Collector,
Tiruvallur, Tiruvallur District - 602 001.
5. The Tahsildar,
Poonamallee Taluk,
Thiruvallur District - 600 056.

+1cc to M/s.Nathan and Associates, Advocate, S.R.No.69463

W.P.No.27351 of 2021

SVI[co]
NSK 07/01/2022