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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.30318 of 2018

and

WMP.No.35373 of 2018

N.Palanisami

...Petitioner

Vs

1.The Tahsildar,
Tiruppur South Taluk,
Tiruppur,
Tiruppur District.

2.The Special Tahsildar,
Adi Dravidar Welfare Department,
Collectorate, Tiruppur.

...Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus calling for the entire records relating to the impugned order passed by the first respondent in his proceedings No.Na.Ka.3798/2018/E1, dated 23.10.2018 and quash the same and consequently directing the respondents to clear the ABC portion and measure the petitioner's land situated in S.No.485/1, Muthanampalayam Village, Palladam Taluk, Tiruppur District by taking note of the petitioner's sale deed.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.Stalin Abhimanyu,
Government Counsel

O R D E R

Heard both sides and perused the records.

2.The prayer made in this writ petition is to issue a Writ of Certiorarified Mandamus calling for the entire records relating to the order passed by the first respondent in his proceedings bearing no.Na.Ka.3798/2018/E1, dated 23.10.2018, quash the same and consequently directing the respondents to clear the ABC portion and measure the petitioner's land situated in S.No.485/1, Muthanampalayam Village, Palladam Taluk, Tiruppur District by taking note of his sale deed.



3.It is the case of the petitioner that he is the owner of the vacant land measuring to an extent of 1.07 acres situated in S.No.485/1, Muthanampalayam Village, Palladam Taluk, Tiruppur District by way of purchase in the year 1985. Prior to his purchase, the land situated in S.No.485/2 which is adjacent to the petitioner's land, was acquired by the second respondent along with a small extent of 15 cents situated in S.No.485/1 and after acquisition, free patta was issued to the Adi dravidars, who inturn, had formed a colony called as Indra Nagar. While so, in the year 2018, the first respondent made an attempt to construct a laboratory in the petitioner's land, which compelled the petitioner to file a writ petition bearing no.2756 of 2018. This court, by order dated 08.02.2018 disposed of the said writ petition by directing the fifth respondent / Tahsildar, Tiruppur South Taluk, Sevanthampalayam, Muthanampalayam, Tiruppur District, to consider the grievance of the petitioner through his representation dated 11.01.2018 and pass appropriate orders, after giving due opportunity of hearing to all the parties. While giving such direction, this court observed that if necessary, the fifth respondent can carry out the exercise of survey and measurement with the help of the taluk surveyor. Pursuant to the aforesaid order, the first respondent measured the petitioner's land and erected the boundary stones by encroaching a portion of his land (shown as ABC in the rough sketch), which was objected by the petitioner. However, the first respondent by the impugned order, rejected the said objection and informed that there is no encroachment. Feeling aggrieved, the petitioner is before this court with the present writ petition.

4.As directed by this court, the second respondent filed a status report, wherein, it is inter alia stated that consequent to the direction of this court dated 14.07.2021, the second respondent inspected the land on 27.07.2021 along with the revenue officials concerned and perused the relevant records pertaining to the subject lands and filed this report on the land in S.F.Nos.485/1A, 1B and 485/2 (which now reassigned as S.F.Nos.644 to 648 and S.F.No.485/3) in Muthanampalayam Village, Tiruppur South Taluk, to the effect that 'there is no encroachment by Adi Dravidar Department in the land in S.F.No.485/1 (485/1A, 1B1 and 1B2) and in S.F.No.485/3A, 3B at present and therefore, the allegation raised by the petitioner is false and factually incorrect'.

5.In view of the statement made by the second respondent in the aforesaid status report that there is no encroachment in the land of the petitioner in S.F.No.485/1 and the construction of science laboratory has been made only in the acquired land in S.F.No.485/2, which has also been fairly admitted by the learned counsel for the petitioner, this court is of the opinion that no further order needs to be passed in this writ petition, except



recording the same. Accordingly, this writ petition stands disposed of. The status report dated 28.07.2021 filed by the second respondent is taken on record. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar (CS-VII)

// True Copy //

Sub Assistant Registrar

mrr

To

- 1.The Tahsildar,
Tiruppur South Taluk,
Tiruppur,
Tiruppur District.
- 2.The Special Tahsildar,
Adi Dravidar Welfare Department,
Collectorate, Tiruppur.

+1cc to Mr.C.Prakasam, Advocate SR.No.38191

+1cc to the Government Pleader SR.No.38029

W.P.No.30318 of 2018

JPL(CO)
RVM(24/09/2021)