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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2022

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO.2096 OF 2022

AND

W.M.P.NO.2252 OF 2022

P.V.Suresh

.. Petitioner

Versus

1. The Government of Tamil Nadu,
rep. by its Secretary,
Revenue Department,
Fort St. George,
Chennai - 600 009.
2. The District Collector,
Office of the District Collector,
Thiruvallur District.
3. The Revenue Divisional Officer,
Ambattur, Thiruvallur District.
4. The Special Thasildar, (ADW),
Ponneri Division,
Ponneri, Thiruvallur District.
5. The Village Administrative Officer,
Pothur Village,
Villivakkam Panchayat Union,
Thiruvallur District.
6. The South India Scheduled
Tribe Association, rep. by its
President Mr.M.Loganathan,
No.8, Valliammai Nagar,
Villivakkam, Chennai -600 049.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents particularly the District Collector, Tiruvallur District and the Special Tahsildar (ADW) , Ponneri, Division



Thiruvallur District to cancel the bogus pattas issued in Survey No.235, Pothur Village in favour of the persons who are not the beneficiaries as per the selected list dated 30.03.2001 of the 4th respondent and consequently direct the office bearers of the 6th respondent South Indian Schedule Tribe Association to surrender the plots which are now under their illegal occupation by way of encroachment to the village Panchayat of Pothur forthwith.

For Petitioner : Mr. K.Rajakrishnan
For Respondents : Mr.A.Anandhan
Government Advocate

O R D E R

The present writ petition has been filed seeking a direction to the respondents particularly the District Collector, Tiruvallur District and the Special Tahsildar (ADW) , Ponneri, Division Thiruvallur District to cancel the bogus pattas issued in Survey No.235, Pothur Village in favour of the persons who are not the beneficiaries as per the selected list dated 30.03.2001 of the 4th respondent and consequently direct the office bearers of the 6th respondent South Indian Schedule Tribe Association to surrender the plots which are now under their illegal occupation by way of encroachment to the village Panchayat of Pothur forthwith.

2.The case of the petitioner is that he is the President / Executive Officer of Pothur Villlage Panchayat. The land in Survey No.235 in Pothur Village, Villivakkam Panchayat Union an extent of 25 Acres was originally acquired by the Special Tahsildar (Adi Dravida Welfare) Ponneri Division during the year 2000 in Award No.1 / 99-2000 and he divided the land in Survey NO.235 into 697 housing plots each 3 cents the District Collector issued house patta for 697 beneficiaries in Pothur Village in Na.Ka.No.301 / 2000. The beneficiaries most of them are belong to Schedule Tribes and Schedule Caste who are landless poor and pattas were issued to them on 30.03.2001 by the Special Tahsildar (ADW) Ponneri Division, with a condition that the person, who is receiving house patta, has to built the house in their respective plots within the period of two years or otherwise the District Collector, Tiruvallur would cancel the patta and resume the land for the Government. Some of the plots were became vacant for many years. Hence, there are encroachments made by the adjacent plot owners and the office bearers of the South Indian Schedule Tribe Association and obtained bogus pattas in their name. The real beneficiaries are not in possession of the plots. Therefore, the petitioner made a representation to the 4th respondent to cancel bogus pattas issued in Survey No.235 in favour of the persons who are not



the beneficiaries as per the selected list dated 30.03.2001 of the 4th respondent, but till date the same was not considered. Therefore, the petitioner has filed the present writ petition before this Court seeking the above said prayer.

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3. The learned counsel for the petitioner submitted that this Court may issue a direction to the respondents to consider the petitioner's representation dated 28.09.2020 within the stipulated time as fixed by this Court.

4. The learned Government Advocate submitted that the representation of the petitioner will be considered and appropriate orders will be passed within the time stipulated by this Court.

5. Considering the facts and circumstances of the case and the submission made on either side, this Court directs the second respondent to consider the representation of the petitioner dated 28.09.2020 to cancel the bogus pattas issued in Survey No.235 and pass appropriate orders on merits and in accordance with law, after hearing the petitioner, within a period of twenty four weeks from the date of receipt of a copy of this order.

6. With the aforesaid directions, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
The Government of Tamil Nadu,
Revenue Department,
Fort St. George,
Chennai - 600 009.
2. The District Collector,
Office of the District Collector,
Thiruvallur District.



3. The Revenue Divisional Officer,
Ambattur, Thiruvallur District.

4. The Special Thasildar, (ADW),
Ponneri Division,
Ponneri, Thiruvallur District.

5. The Village Administrative Officer,
Pothur Village,
Villivakkam Panchayat Union,
Thiruvallur District.

+1cc to Mr.K.Balakrishnan, Advocate, S.R.No.8904

+1cc to the Government Pleader, S.R.No.9532

W.P. No.2096 of 2022

KG (CO)
PM/02/03/2022