



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2022

CORAM :

THE HON'BLE MR. JUSTICE T. RAJA
AND
THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P. No.4760 of 2022
and
W.M.P.No.4869 of 2022

S.Sasidharan

... Petitioner

Vs.

1. The District Collector,
Kallakurichi District,
Kallakurichi
2. The Revenue Divisional Officer,
Revenue Divisional Officers Office,
Thirukovilur Taluk,
Thirukovilur.
3. The Tahsildar,
Thirukovilur.
4. The Block Development Officer,
Thirukovilur Panchayat Office,
Thirukovilur.
5. The Village Administrative Officer,
Aviyalur Village,
Thirukovilur Taluk.

... Respondents

Prayer :

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records pertaining to the impugned order of the 4th respondent passed in Na.Ka.A5/51/2019 dated 12.01.2022 and quash the same.

For Petitioner : Mr.K.Gangadaran

For R1 to R5 : Mr.A.Selvendran
Special Government Pleader



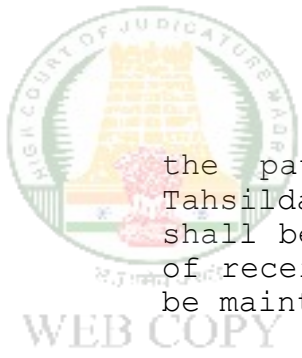
O R D E R
(Order of the Court was made by T.RAJA, J.)

Mr.S.Sasidharan, S/o.Sambasivam, resident of Murugar Kovil Street, Hydharapakkam, Aviyur Village, Thirukkoyilur Taluk, Kalakurichi District, has come to this Court, challenging the impugned proceedings, dated 12.01.2022, issued by the Block Development Officer, Thirukovilur, the 4th respondent herein, in and by which, the petitioner was informed to remove the encroachments on or before 09.03.2022, failing which, the obstructions and encroachments would be removed at the cost of the petitioner.

2.The claim of the petitioner as canvassed by the learned counsel for the petitioner would show that, in the land covered in S.No.257/1A, the petitioner and his family members are residing for more than 60 years and it is a 'Natham Poramboke' land. In the year 1994, the petitioner's father died. His mother Lakshmi Ammal also paid all the taxes and on receipt of the tax amount, the petitioner's family was permitted to live in the same place. The petitioner's family has also been given electricity service connection in E.B.No.262 in the name of Jayashankar. His mother died subsequently. Now, the petitioner is residing in the said Government Poramboke land and recently, he is planning to construct house in the place. Now, he has put up a sheet house in the said premises. It is not a waterbody. Therefore, the respondent cannot direct the petitioner to remove the constructions from the said place. The learned counsel also produced original Patta issued by the Zonal Deputy Tahsildar, Thirukovilur. A perusal of the same shows that the land covered in S.No.257/1A at Aviyur Village, Thirukovilur Taluk, Villupuram District, has recognized the petitioner as a Pattadhar.

3.Mr.A.Selvendran, learned Special Government Pleader, strongly objecting the said Patta, stated that no such survey number called 257/1A has been made as a sub-division by the Revenue authorities till date and the original Patta claimed to have been issued by the Revenue Department was not issued at all by any such authority.

4.Since a perusal of the Patta issued by the Zonal Deputy Tahsildar, Thirukovilur, shows that the petitioner is the pattadhar in respect of S.No.257/1A, we hereby direct the Revenue Divisional Officer, Thirukovilur, to hold a proper and detailed enquiry after informing the petitioner to come for the enquiry by issuing a notice, since the petitioner is having documents which we have also perused, a reasonable opportunity should be given to the petitioner to produce all the documents, although right of appeal and time has also expired. We direct the Revenue Divisional Officer to hold an enquiry as to whether



the patta said to have been issued by the Zonal Deputy Tahsildar, Thirukovilur, is genuine or bogus. Such an exercise shall be completed within a period of three months from the date of receipt of a copy of this order. Till then, status quo shall be maintained.

5. With these directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Kalakurichi District,
Kalakurichi.
2. The Revenue Divisional Officer,
Revenue Divisional Officers Office,
Thirukovilur Taluk,
Thirukovilur.
3. The Tahsildar,
Thirukovilur.
4. The Block Development Officer,
Thirukovilur Panchayat Office,
Thirukovilur.
5. The Village Administrative Officer,
Aviyalur Village,
Thirukovilur Taluk.

+1cc to Mr.K.Gangadaran, Advocate, S.R.No.15226

+1cc to the Government Pleader, S.R.No.15047

W.P. No.4760 of 2022

AK-II(CO)
CT 18/03/2022