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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.3221 OF 2011

R.Arul Mani

... Petitioner

Vs.

1. The District Collector,
Thiruvannamalai District.
2. The Tahsildar,
Office of the Tahsildar,
Thiruvannamalai - 606 603.
3. The Commissioner,
Thiruvannamalai Municipality,
Thiruvannamalai.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the second respondent vide his proceedings No. Na.Ka.G.1/135/2011, dated 24.01.2011 and quash the same.

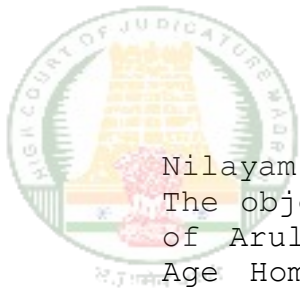
For Petitioner : Mr.R.Kannan

For Respondents : Mr.R.Vigneswaran
Government Advocate

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari calling for the records of the second respondent vide his proceedings No.Na.Ka.G.1/135/2011, dated 24.01.2011 and to quash the same.

2.The case of the petitioner is that the petitioner and four others established Arulmigu Arutpragasa Vallalar Arutpani



Nilayam and the petitioner is the Managing Trustee of the Trust. The object of the Trust is to propagate the ideals and teachings of Arulmigu Vallalar and to establish Schools, Hospitals, Old Age Homes and to feed the Poor. After establishment of the Trust, they applied to the Thiruvannamalai Panchayat for assignment of the land bearing S.No.29/3, to an extent of 1.8 acres situated at Athiyandal Village, Thiruvannamalai Taluk, which falls adjacent to the Forest area and obtained recommendation from the Tahsildar and the Trust took possession of the land on 13.04.1994. Thereafter, the petitioner approached the District Revenue Officer on 12.03.1997 for issuance of patta and the application was forwarded to the Revenue Divisional Officer.

3.The further case of the petitioner is that the Assistant Commissioner, HR & CE, Thiruvannamalai, sent notice to the petitioner on 28.04.2003 to take over the Management of the Trust and the petitioner sent a detailed reply through a Lawyer. Thereafter, the Assistant Commissioner, HR & CE, issued notice to the petitioner calling upon the petitioner to produce the relevant documents for the purpose of enquiry and the petitioner also submitted the entire relevant records to the Assistant Commissioner. While such being the position, the revenue Officials issued notice to the petitioner on 05.01.2011, alleging that the Trust has encroached the land for which the petitioner submitted a detailed explanation on 08.01.2011, however, without considering the same, the second respondent passed the impugned order. Hence, this writ petition.

4.The learned counsel appearing for the petitioner submitted that though several grounds have been raised in this writ petition challenging the impugned order, it would suffice, if this Court permits the petitioner to file appeal before the appropriate Authority in terms of Section 10 of the Land Encroachment Act.

5.Considering the limited request now made by the learned counsel appearing for the petitioner, this Court without expressing any opinion on the merits of the case, permits the petitioner to file appeal before the competent Authority, within a period of four weeks from the date of receipt of a copy of this order. If any such appeal is filed by the petitioner, the concerned Authority, shall decide the issue, after providing opportunity to the petitioner and pass appropriate orders, within a period of twelve weeks from the date of filing of appeal. The respondents are directed not to take any coercive steps as against the petitioner for a period of four weeks from the date of receipt of a copy of this order.



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6. With the above observations, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Thiruvannamalai District.
2. The Tahsildar,
Office of the Tahsildar,
Thiruvannamalai - 606 603.
3. The Commissioner,
Thiruvannamalai Municipality,
Thiruvannamalai.

+1cc to Mr.R.Kannan, Advocate, S.R.No.18995

+1cc to the Government Pleader, S.R.No.19606

W.P.No.3221 of 2011

SSD(CO)
RLP(07/04/2022)