



W.P.No.33741 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.33741 of 2012 and
W.M.P.No.1 of 2012

D. Srinivasan

... Petitioner

Vs.

1. The Collector,
Vellore District, Vellore.
2. The Tahsildar,
Arakkonam, Vellore District.
3. The Block Development Officer,
Kaveripakkam Panchayat Union,
Arakkonam Taluk, Vellore District.
4. The Chairman,
Kaveripakkam Union,
Arakkonam Taluk, Vellore District.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents from interfering with the petitioner's peaceful possession and enjoyment of patta land comprised in S.No.562/10 having an extent of 0.31 cents situated at Peruvalayam Mathura, Kalpalampattu Village, Arakkonam Taluk, Vellore District except by due process of law.



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For Petitioner : M/s.G.Jeremiah
For Respondents R1 & R2 : Mr.G.Nanmaran,
Special Government Pleader
For Respondents R3 & R4 : Mr.M.Digvijayapandian

ORDER

The petitioner has filed this writ petition forbearing the respondents from interfering with the petitioner's possession and enjoyment of patta land except by due process of law.

2.The case of the petitioner is that the land in S.No.562/10 situated at Peruvalayam Mathura, Kalpalampattu Village, Arakkonam Taluk, Vellore District was in possession of his father and the said land was also assigned in favour of him in Assignment No.D.K/12/1413 and Patta No.1166 by the 2nd respondent. The petitioner's father died on 20.11.2011 leaving behind the petitioner as his legal heir. However, the 4th respondent frequently interfered with the land of the petitioner. Objecting the same, the petitioner made a representation dated 16.10.2012 before respondents 1 to 3 however, till date no orders were passed on the representation made. Aggrieved by the



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same, this Writ Petition has been filed.

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3. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice, if this Court issues direction to the 3rd respondent to consider the petitioner's representation dated 16.10.2012 and pass orders on the same within a particular time frame fixed by this Court.

4. The learned counsel appearing for the respondents 3 and 4 submitted that the disputed land is classified as “Dry Anadeenam” that the land of the petitioner is in possession of the Government and to that effect a certificate has been issued by the Village Administrative Officer. Accordingly, the representation made by the petitioner cannot be considered.

5. Though contentions and counter contentions have been raised, in view of the limited relief sought for, this Court, without expressing any opinion on the merits of the case, directs the 3rd respondent to consider the petitioner's representation dated 16.10.2012, if not considered already, in

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accordance with law and pass appropriate orders on the same within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that, the 3rd respondent shall not interfere with the petitioner's possession without following the due process of law.

6. This Writ Petition is disposed of with the aforesaid direction. No cost. Consequently, connected Miscellaneous Petition is closed.

09.02.2022

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

1. The Collector,
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Arakkonam Taluk, Vellore District.
4. The Chairman,
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M.DHANDAPANI,J.
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