



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.8579 of 2022

Kasinathan

.. Petitioner

Vs

1. The District Collector,
Collector's Office,
Cuddalore District.
2. The Revenue Divisional Officer,
The Revenue Divisional Office,
Vriddhachalam Taluk,
Cuddalore District.
3. The Tahsildar,
Tahsildar Office,
Vriddhachalam,
Cuddalore District.
4. The Commissioner Municipality Office,
No.31/16, Iyyanar Kovil Street,
Vriddhachalam Taluk,
Cuddalore District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus calling for the records of the fourth respondent - Proceedings in Na.Ka.No.4704/2021/f1, dated 14.03.2022 and quash the same as arbitrary, illegal and consequentially direct the third respondent to consider the petitioner representation dated 10.03.2022 to issue patta within the time frame fixed by this Court.

For the Petitioner : Mr.V.Suriyanarayanan



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For the Respondents : Mr.J.Ravindran
Addl. Advocate General
assisted by
Mr.A.Selvendran
Special Government Pleader

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The writ petition has been filed to challenge the eviction notice dated 14.3.2022, directing the petitioner to vacate the premises within 15 days. However, pursuant to the judgment given by this court in W.P.No.19119 of 2021, dated 13.9.2021, the encroachment has been removed.

2. In view of the above, the only thing that remains to be considered is about the permission to cultivate the land, which can otherwise be granted by the government as per the provisions of law. Therefore, the petitioner can approach the government seeking permission to cultivate the land and if the permission for it is granted by the government, the petitioner would be within his right to cultivate the land. Merely because the land is a barren land, the petitioner has no authority as such to occupy the land based on an unregistered sale deed. In any case, the aforesaid cannot be taken adverse to the petitioner, as we have given liberty to the petitioner to approach the government as per law seeking permission to cultivate the land.

The writ petition is disposed of without causing interference with the eviction notice, as it has already been given effect to. No costs. Consequently, W.M.P.Nos.8490 and 8492 of 2022 are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To:

1. The District Collector,
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Cuddalore District.
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Cuddalore District.
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No.31/16, Iyyanar Kovil Street
Vriddhachalam Taluk,
Cuddalore District.

+1cc to Mr.V.Suriya Narayanan, Advocate, S.R.No.29069

+1cc to the Government Pleader, S.R.No.29394

W.P.No.8579 of 2022

SPD (CO)
SU (02/05/2022)