

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.11823 of 2022

T.Yoga Sundari

... Petitioner

Vs.

1. The District Collector
Tiruvannamalai District
Tiruvannamalai.

2. The Revenue Divisional Officer
Tiruvannamalai.

3. The Tahsildar
Chengam Taluk
Tiruvannamalai District.

4. Dhavamani

...Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the second respondent to dispose of the proceedings O.Mu.No.6319/2021 conducted by him based on the representation of the petitioner dated 20.12.2018 within a date fixed by this Court.

For Petitioner : Mr.G.Vigneshwar
for Mr.P.Anbalagan

For Respondents : Mr.P.Sathish for R1 to R3
Additional Government Pleader

O R D E R

This petition has been filed for issuance of Writ of Mandamus to direct the second respondent to dispose of the proceedings O.Mu.No.6319/2021, based on the representation of the petitioner dated 20.12.2018.

2. The case of the petitioner is that she belongs to a

Adi Dravidar Community and was a Widow. She is residing in the Panjamar land for nearly 62 years and the said land is totally measured an extent of 96 cents situated in S.F.No.5/1, in Uchhimalai Kuppam Village, Pachal Post, Chengam Taluk, Thiruvannamalai District. While so, the 4th respondent had encroached an extent of 0.24.00 ares (59 cents) of the said land and hence, the petitioner has given several representation to the respondents to cancel the patta granted in favour of the 4th respondent and to grant patta in favour of the petitioner, however the said representations were not considered. Furthermore, on the representation dated 20.12.2018 to the 1st respondent, the said official has directed the 2nd respondent to take steps and the 2nd respondent had also initiated proceedings in O.Mu.No.6319/2021 and issued summons to the parties and thereafter, there is no progress. Aggrieved by the same, the petitioner is before this Court.

3. The learned counsel appearing for the petitioner submitted that admittedly S.F.No.5/1 of the above said village, is reclassified as 252/1, S.F.No.5/2 as 252/2, S.F.No.5/3 as 252/1 and S.F.No.5/4 as 10, 252/1 and the said lands were classified as 'Tharisu' and 'Pattai'. However, the 4th respondent had encroached the portion of the land and hence, this Court may issue direction to the 2nd respondent to conclude the proceedings based on the petitioner's representation dated 20.12.2018, within a reasonable time.

4. The learned Additional Government Pleader appearing for the official respondents submitted that even on perusal of 'A' register, it reveals that S.F.No.5(1) is reclassified as S.F.No.252/1 and it also classified as 'Tharisu' and there is no record has been produced to show that S.F.No.5/1 is classified as 'Panchamar Tharisu' and in the absence of any record, issuing direction to consider the petitioner's representation will not arise and further if the 4th respondent encroached the government property, the Government will take appropriate action and therefore, it is nothing to do with the petitioner's representation and hence prays for dismissal of this petition.

5. This Court has carefully considered the rival submissions and also perused the materials placed before it.

6. This Court has perused the 'A' Registrar, wherein the entire extent of S.F.No.5(1) is classified as 'Tharisu' and 'Pattai' and in handwriting, it was written as 'Panchamar', which cannot be accepted and the classification can be accepted only based on the 'A' Registrar and not based on the handwritten copy and hence the prayer sought for in the Writ Petition cannot be granted. However, if the official respondents found any encroachments on the part of the 4th respondent or any other

persons, it is open to the said officials to proceed the matter in accordance with law, after issuing necessary notice to them.

7. This Writ Petition is disposed of with the above terms. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector
Tiruvannamalai District
Tiruvannamalai.
2. The Revenue Divisional Officer
Tiruvannamalai.
3. The Tahsildar
Chengam Taluk
Tiruvannamalai District.

+1cc to Mr.P.Anbalagan, Advocate, S.R.No.33547
+1cc to the Government Pleader, S.R.No.34213

W.P.No.11823 of 2022

RSV(CO)
CT/28/06/2022