



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2022

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.NO.10327 OF 2022

&

W.M.P.NO.10047 OF 2022

S.Subramani
President,
Nandialam Eri Munkarai Parappu
Vivasaigal Padukappu Sangam,
Regd.No.34/20, No.1/56,
Bajanai Koil Street,
Mankuppam village,
Rathnagiri Post,
Walajah Taluk,
Ranipet District - 632 517.

... Petitioner

.Vs.

1. The District Collector,
Ranipet District,
Ranipet.
2. The Tahsildar,
Walajah Taluk,
Ranipet District.
3. The Assistant Engineer (PWD),
Water Resources Organisation (WRO),
Public Works Department,
Palar Reservoir Basin,
Ranipet.
4. The Junior Engineer (PWD),
Water Resources Organization (WRO),
Public Works Department,
Palar Reservoir Basin,
Ranipet.
5. The President,
Nandialam Panchayat,
Arcot Panchayat Union,
Ranipet District.

... Respondents



PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the representation dated 26.03.2022 of the petitioner-sangam and pass orders within a time frame to be stipulated by this Hon'ble Court.

For Petitioner : Mr.W.M.Abdul Majeed

For Respondents : Mr.E.Sundaram
Government Advocate
For R1 to R4

Mr.D.Ravichander
Special Government Pleader
For R5

O R D E R

The petitioner is a president of the Nandialam Eri Munkarai Parappu Vivasaigal Padukappu Sangam. His prayer is for a mandamus directing the respondents, that is, the District Collector and various officials of Ranipet District, as well as the President of the Nandialam Panchayat, to consider and dispose the representation of the Sangam dated 26.03.2022.

2. Normally, I would not be inclined to entertain this writ petition, seeing as the representation is very proximate to the date of filing of the writ petition itself, However, I make an exception as the association is one comprising agriculturalists. They say that they have cultivated the lands contiguous to the 'Nandhialam (Maankuppam) Big Tank' which is situated in S.No.430/1A1, planting trees including fruit bearing trees such as mango trees and coconut trees, admittedly on Government lands.

3. Disputes had arisen between the residents of that area leading to the filing of a writ petition by one K.Mahalingam in W.P.No.25472 of 2011 seeking a direction to the District Collector to remove the encroachments in and around the big tank. The matter came to be considered by the Hon'ble First Bench which, by an order dated 30.07.2012, so directed the Tahsildar.

4. Litigation continued thereafter in W.P.No.6401 of 2015 and by an order dated 27.04.2015, the First Bench recorded that 2C Tree Pattas have been given to Ryots that are stated to include some of the members of the petitioner association. The



First Bench directed that the trees on the aforesaid lands for which tree pattas had been issued shall be recorded and their cultivation shall be continued.

5. While this is so, the petitioner claims that both the orders of the First Bench in terms of which their rights had been protected, have, and are being violated by the respondents. On 03.02.2022, a public auction of the usufructs for 221 Mango and 30 Coconut trees had been conducted as against which the petitioner's representation has been filed.

6. Seeing as the matter involves a determination of several facts and bearing in mind the preliminary defense put forth by Mr. Sundaram who have accepted notice on behalf of 1 to 4 respondents and Mr. Ravichander for R5, is that public auction is the only appropriate method for deployment of the lands and usufructs, I will leave the matter to be decided by the authorities in accordance with law and all applicable rules and regulations after hearing the petitioner and all other necessary and appropriate parties.

7. Let this exercise be concluded within a period of eight weeks from today by R1. Status-quo shall be maintained for a period of eight weeks or till disposal of representation dated 26.03.2022 whichever is earlier. This writ petition stands disposed in the above terms. Connected writ miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

nst/ska

To

1. The District Collector,
Ranipet District,
Ranipet.
2. The Tahsildar,
Walajah Taluk,
Ranipet District.



WEB COPY

3. The Assistant Engineer (PWD),
Water Resources Organisation (WRO),
Public Works Department,
Palar Reservoir Basin,
Ranipet.
4. The Junior Engineer (PWD),
Water Resources Organization (WRO),
Public Works Department,
Palar Reservoir Basin,
Ranipet.
5. The President,
Nandialam Panchayat,
Arcot Panchayat Union,
Ranipet District.

+1cc to Mr.W.M.Abdul Majeed, Advocate, S.R.No.28957
+1cc to the Government Pleader, S.R.No.29677

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AD(CO)
PBS/24/05/2022