



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2022

CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN
AND
THE HON'BLE MRS.JUSTICE S.ANANTHI

W.P.NO.11981 OF 2022

B.Appu Balan

... Petitioner

Vs

1. The District Collector
District Collector Office
Chengalpattu District.
2. The Revenue Divisional Officer
Chengalpattu Revenue Divisional Office
Chengalpattu District.
3. The Tahsildar
Thirupporur Taluk
Chengalpattu District.
4. K.Sundari
5. K.Krishnakumar
6. K.Iyappan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 3 to remove the encroachment made by the respondents 4 to 6 in survey No.46 B /1 on extent of 14 Ares (34.58 cents) situated in Viralpakkam Village, Chengalpattu District and pass such order by consider the representation dated 07/03/2022 made by the petitioner.

For Petitioner	:	Mr.T.Sellapandian
For Respondents	:	Mr.J.Ravindran
1 to 3		Additional Advocate General assisted by Mr.A.Selvendran, Special Government Pleader



O R D E R

(Order of the Court was made by R.MAHADEVAN, J.)

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The relief sought in the present writ petition is to issue a writ of mandamus, directing the respondents 1 to 3 to remove the encroachment made by the respondents 4 to 6 in the land in S.No.46B/1 situated at Viralpakkam Village, Thiruporur Taluk, Chengalpattu District, by considering his representation dated 07.03.2022.

2.It is the case of the petitioner that the land in S.No.46B/1 situated in Old Village No.131, New Village No.58, Viralpakkam Village, Thiruporur Taluk, Chengalpattu District, measuring to an extent of 14 Ares (34.58 cents) belongs to the Government; in the 'A' Register, the Survey No.46B/1 has been classified as 'poramboke land' - 'Tharisu' and in the Government Village Records, it was mentioned as 'Sarkar land'. However, the officials of the third respondent issued Patta No.31 in respect of S.No.46B/1 in favour of the fourth respondent, by manipulating the revenue records, as if the same is grama natham. Based on the forged patta, the fourth respondent executed settlement deeds bearing Doc.Nos.11487 and 11488 of 2020 dated 17.11.2020 in favour of her children / respondents 5 and 6, thereby making encroachment in the Government land. Therefore, the petitioner made a representation dated 07.03.2022 to the respondents 1 to 3 requesting them to take appropriate action to redeem the said land. Finding no response on the same, he approached this court with the present writ petition for the aforesaid relief.

3.Heard both sides and perused the documents enclosed in the typed set of papers.

4.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, without going into the merits of the matter, the respondents 1 to 3 are directed to consider the representation submitted by the petitioner dated 07.03.2022, on merits and in accordance with law, and take appropriate action, after providing an opportunity of hearing to all the necessary parties, within a period of eight weeks from the date of receipt of a copy of this order.



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5. This writ petition is disposed of in the above terms. No costs.

Sd/-
Assistant Registrar/Vacation Officer

//True Copy//

Sub Assistant Registrar

KST/RPP

To

1. The District Collector
District Collector Office
Chengalpattu District.
2. The Revenue Divisional Officer
Chengalpattu Revenue Divisional Office
Chengalpattu District.
3. The Tahsildar
Thirupporur Taluk
Chengalpattu District.

+1cc to Mr.T.Sellapandian, Advocate, S.R.No.31066

+1cc to the Government Pleader, S.R.No.31186

W.P.No.11981 of 2022

SV(CO)
RLP(25/05/2022)