



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :09.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.24888 of 2014

and

W.M.P.Nos.1 to 3 of 2014

1.Deivendran

2.Murugasan

3.Swaminathan

4.Vellaigiri

5.R.Ratinam

... Petitioners

Vs.

1.The District Collector,
Vellore District,
Vellore.

2.The Revenue Divisional Officer/
The Sub Collector,
Tirupathur,
Vellore District.

3.Tahsildar,
Tirupathur Taluk,
Tirupathur,
Vellore District.

4.The Block Development Officer,
Thirupathur Union,
Vellore District.

5.Panchayat President,
Jamanaputhur Village,
Tirupathur Union,
Vellore District.

6.Perumal

7.Mahedran



8.Jemini

9.Sangeetha Pannerselvam

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned Order vide No.Pa Va. A3.1/4 dated 28.07.2014 passed by the 2nd respondent and quash the same and direct the respondents not to interfere with the peaceful possession and enjoyment of the land in S.No.562/1A, 562/2B and 563/1, situated at Jamanaputhur Village, Kumarannagar, Tirupathur Taluk, Vellore District.

For Petitioners : Mr.S.Jayakumar

For R1 to R5 : Mr.G.Nanmaran
Special Government Pleader

For R6 to R9 : M/s.R.Sunil Kumar

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned Order, vide No.Pa Va. A3.1/4, dated 28.07.2014, passed by the 2nd respondent and quash the same and direct the respondents not to interfere with the peaceful possession and enjoyment of the land in S.Nos.562/1A, 562/2B and 563/1, situated at Jamanaputhur Village, Kumarannagar, Tirupathur Taluk, Vellore District.

2. The learned Special Government Pleader takes notice for the official respondents. In view of the limited relief sought for in this petition and on the consent of the learned counsel appearing on either side, this petition is taken up for final disposal.

3. Since no adverse order is being passed against the private respondents, notice to the private respondents is dispensed with.

4. The case of the petitioners is that the petitioners are poor agriculturists having small part of lands at Jamanaputhur Village, Tirupathur Taluk, Vellore District, within the limits of the Jamanaputhur Village. The petitioners are the absolute owners of the land in S.Nos.562/1A, 562/2B and 561/1 situated at Jamanaputhur Village, Kumaran Nagar, Tirupathur



Taluk, Vellore District. Now, all the petitioners are in absolute possession and enjoyment of the lands. The petitioners' family members were in absolute enjoyment of land for more than 60 years. Originally, the assignment Patta land in S.No.562/2B and S.No.562/1 was given to one Perumal Reddiyar by the Special Tahsildar on 20.02.1998, vide pata No.603. After the death of Perumal Reddiyar, his legal heirs namely Murugesan, Vadivel and Shanmugam enjoyed the said properties. Similarly, for the very same properties another Patta was also issued in favour of one deceased Suruttaiyan and deceased Perumal in Survey No.562/2B. The Patta was given to the deceased Kasinathan and 5th respondent/Rathinam in Survey No.563/1. After the demise of Suruttaiyan, Perumal and Kasinathan, their legal heirs and the petitioners herein are enjoying the said properties. The petitioners paid the Revenue Land Tax continuously to the Revenue Authority. The respondents who own the adjacent lands, with ulterior intention, gave petitions against the petitioners on 02.07.2014 to the 3rd respondent requesting to lay the new road in the petitioners' lands. Thereafter, the second respondent, without conducting proper enquiry, issued summons and passed the impugned order dated 28.07.2014 and cancelled the B.memo in Survey Nos.562/1, 563/1 and 562/2B. Hence, this Writ Petition is filed with the above said prayer.

5. The learned counsel appearing for the petitioners submitted that the petitioners are the Pattadhars. However, without referring to the same, issuing notice is not sustainable. Hence, this Court may grant liberty to the petitioners to file appropriate suit for claiming title over the properties and he further submitted that the petitioners will not create any law and order problem.

6. The learned Special Government Pleader appearing on behalf of the official respondents has no serious objection for passing the above direction.

7. Considering the facts and circumstances, and the submissions of the learned counsel for the petitioner without going into the merits of the issue, recording the undertaking given by the petitioner that he will not create any law and order problem, the petitioners are granted liberty to file appropriate suit for claiming title over the properties, within a period of twelve weeks for such necessary relief and until such time, respondents 1 to 5 shall not precipitate the issue further by passing any further direction.



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8. Accordingly, this Writ Petition is disposed of with aforesaid direction. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Psa

To

- 1.The District Collector,
Vellore District,
Vellore.
- 2.The Revenue Divisional Officer/
The Sub Collector,
Tirupathur,
Vellore District.
- 3.The Tahsildar,
Tirupathur Taluk,
Tirupathur,
Vellore District.
- 4.The Block Development Officer,
Thirupathur Union,
Vellore District.
- 5.The Panchayat President,
Jamanaputhur Village,
Tirupathur Union,
Vellore District.

+1cc to the Government Pleader SR.No.16660

W.P. No.24888 of 2014

RSI(CO)
GN(25/03/2022)