



W.P. No.31794 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2022

CORAM

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P. No.31794 of 2022

M.Arul

... Petitioner

versus

1.The District Collector
Ranipet District 631 051

2.The Revenue Divisional Officer
Arakkonam Town and Taluk
Ranipet District

3.The Block Development Officer
Nemeli Panchayath Union, Ranipet District

4.The Tahsildhar
Nemeli Taluk, Ranipet District

5.The Village Administrative Officer
Keezvepakkam Village
Nemeli Taluk, Ranipet District

6.The President
Keezvepakkam Panchayath
Nemeli Panchayath Union
Ranipet District

... Respondents



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Prayer: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records pertains to order of 4th respondent dated 16.08.2022 in Na.Ka. A2/ 1174/ 2021 and consequential notice sent by the 6th respondent and to quash the same as illegal and further direct the respondents to conduct property enquiry by giving proper opportunity of hearing to petitioner and to grant patta to petitioner to the properties situated in S.No. 310 in Keezvepakkam Village Account Nemeli Taluk Ranipet District.

For the Petitioner :: Mr.A.Gowthaman

For the Respondents :: Mrs.R.Anitha,
Special Government Pleader,
for respondents 1 to 5

ORDER

(Made by the Hon'ble Acting Chief Justice)

The petitioner has filed this writ petition challenging the impugned order dated 16.08.2022, passed by the fourth respondent and the consequential notice sent by the sixth respondent, to quash the same as illegal and to direct the respondents to conduct a proper inquiry by giving an opportunity of hearing to the petitioner and to grant him patta in respect of the land situated in S.No.310 in Keezvenpakkam Village, Nemeli Taluk, Ranipet District.

2. According to the petitioner, the properties situated in S.No.310 to an extent of 71 cents are classified as Tharisu land. The petitioner and his predecessors were in peaceful possession and enjoyment of the said land for the past 60 years. The Panchayat Board passed a resolution on 06.06.1970 to grant



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patta in favour of petitioner's father and the said resolution was forwarded to the Tahsildar. The petitioner's father also paid kist to the Government. According to the petitioner, even the sagupadi adangal stood in his father's name.

3. When the documents produced by the petitioner show clearly that the petitioner's father was in possession and enjoyment of the property by paying kist to the Government for more than the statutory period, instead of considering the petitioner's request to issue patta, the respondents passed the impugned order naming the petitioner as an encroacher, ignoring the fact that the petitioner and his family members have been in possession and enjoyment of the property for more than six decades. It is also the claim of the petitioner that there are three lands in a stretch, in S.Nos.309 and 311; and in-between S.Nos.309 and 311, the petitioner's land in S.No.310 is situated. The petitioner's main contention is, when the lands covered in S.Nos.309 and 311 are not identified as Kuttai, then the same analogy should apply to the petitioner's land also, which is located between S.Nos.309 and 311.

4. We do not find any merits in the case of the petitioner for the reason that copy of the "A" register produced by Ms.Anitha, learned Special Government Pleader, clearly shows that the land covered in S.No.310 has already been



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classified as "kuttai". Therefore, when encroachment has been found by the respondents, the petitioner was directed to remove the encroachment and handover vacant possession of the land.

5. Learned counsel for the petitioner, reiterating the contentions raised by the petitioner in the affidavit, submitted that when the land in question is classified as Kuttai, only the Public Works Department has got power to take action and not the Village Administrative Officer.

6. In reply, drawing our attention to Section 131(2) of the Tamil Nadu Panchayats Act, 1994, learned Special Government Pleader stated that it shall be the duty of the Village Administrative Officer of every revenue village to report on encroachments on properties vested in Village Panchayats or Panchayat Union Councils to the Executive Authority or the Commissioner concerned and to the officer of the Revenue Department, and it shall be the duty of the Executive Authority or the Commissioner concerned either suo motu or on obtaining a report from the Village Administrative Officer in this regard to institute proceedings under this Act.



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7. Therefore, when Section 131(2) of the Act of 1994 empowers even the Village Panchayats to take action if any encroachment is found on properties vested in Village Panchayats or Panchayat Union Councils, the argument advanced by the petitioner is untenable. We are of the view that the impugned notice issued by the President of Village Panchayat is perfectly in order.

8. The writ petition fails and the same is dismissed. No costs. Consequently, WMP Nos.31241 and 31245 of 2022 are also dismissed.

(T.R., ACJ.) (D.K.K., J.)
30.11.2022

Index: Yes/No
tar

To

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(tar)

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