



W.P.No.29773 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13..02..2023

Coram

The Honourable **DR.JUSTICE ANITA SUMANTH**

Writ Petition No.29773 of 2015
and M.P.No.1 of 2015 & W.M.P.No.19802 of 2018

C.Radhakrishna Reddy

..... Petitioner

-Versus-

- 1.Government of Tamil Nadu,
Rep. by its Chief Secretary to Government,
Secretariat, Fort St. George, Chennai 600009.
- 2.The District Collector,
Tiruvallur District, Tiruvallur.
- 3.The Revenue Divisional Officer (RDO),
Tiruvallur Division,
Tiruvallur District.
- 4.The Special Tahsildar (ADW),
Adi Dravidar Welfare Department,
Tiruvallur Taluk & District.

.... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents and their subordinates from evicting the petitioner and removing the mango trees and borewell in the property in Dry Survey No.59/1C Are 1.05.5 Hectare equivalent to 2.62 cents vide Patta No.456 situate at No.17, Movour Village and Colony, Neyveli Post, Tiruvallur Taluk and District, which is



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the only livelihood to the petitioner and to his family members as per the petitioner's representation dated 05.08.2015.

*For Petitioner : Mr.A.S.Mujibur Rahman for
Mr.B.Gandhi*

*For Respondents : Mr.Alagu Goutham,
Government Advocate for
RR1 to 4*

ORDER

Heard Mr.A.S.Mujibur Rahman, learned representing counsel on behalf of the counsel on record for the petitioner and Mr.Alagu Goutham, learned Government Advocate for the respondents.

2. The petitioner seeks a mandamus forbearing the respondents from evicting him and removing the mango trees and borewell from the property in S.No.59/1C situate at Movour village and colony admeasuring 1.05.5 Hectare equivalent to 2.62 cents. The petitioner claims to be holding patta bearing No. 456 at No.17, Movour village and colony, Neyveli Post, Tiruvallur Taluk and District.

3. A counter has been filed by the 4th respondent Special Tahsildar



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wherein stout objections are put forth to the prayer sought for. A perusal of the affidavit filed by the petitioner as well as filed in opposition by the 4th respondent would reveal stark differences in factual matrices. This is thus not an appropriate matter to be decided under Article 226 of the Constitution of India.

4. Since the petitioner has made a representation dated 05.08.2015 before respondents 1 to 4 seeking the same relief as sought for in this writ petition, the appropriate authority, being the 4th respondent, may well consider the same after hearing the petitioner as well as any other party whose presence may be necessary for appropriate determination of the same.

5. Hence, mandamus is issued to the 4th respondent to hear the petitioner as well as any other necessary party by issue of notice and consider evidence, if any, put forth by the parties and pass appropriate orders on the representation dated 05.08.2015, admittedly received by the 4th respondent, within a period of 12 weeks from the date of receipt of a copy of this order.

In fine, this Writ petition is disposed, with mandamus as issued



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above. No costs. Consequently, connected miscellaneous petitions stand

closed.

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Index : yes / no

Neutral Citation : yes / no

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To

1.The Chief Secretary to Government of Tamil Nadu,
Secretariat, Fort St. George, Chennai 600009.

2.The District Collector,
Tiruvallur District, Tiruvallur.

3.The Revenue Divisional Officer (RDO),
Tiruvallur Division, Tiruvallur District.

4.The Special Tahsildar (ADW),
Adi Dravidar Welfare Department,
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DR. ANITA SUMANTH.J.,

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