



W.P.No.10981 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2023

CORAM

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Writ Petition No.10981 of 2023

Seeni @ Srinivasan

.. Petitioner

Vs.

1. The District Collector
Salem District
Salem.
2. The Revenue Divisional Officer
Omalur
Salem District.
3. The Tahsildar
Omalur Taluk
Salem District.
4. The Revenue Inspector
Omalur
Salem District.

.. Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a writ of Mandamus directing the third and fourth respondent to consider the petitioner's explanation dated 15.03.2023



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and subsequently, not to disturb the petitioner and his family members from peaceful possession and enjoyment of the property comprised in S.No.44/9 at Kaamalapuram Village, Omalur Taluk, Salem District.

For the Petitioner : Mr.C.Deepak Kumar

For the Respondents : Mr.P.Muthukumar
State Government Pleader

ORDER

(Made by the Hon'ble Acting Chief Justice)

The petitioner seeks a direction to the third and fourth respondents to consider his explanation dated 15.03.2023 and not to disturb his peaceful possession and enjoyment of the property in S.No.44/9 at Kaamalapuram Village, Omalur Taluk, Salem District.

2. The petitioner, a physically challenged person, and his family members are residing in the land in question of an extent of 0.0028.0 sq.m., which is classified as Tharisu poramboke land in the revenue records, for more than 40 years, by clearing the thorns and bushes and levelling the ups and downs in the land. He has obtained electricity connection and paying the charges regularly. He has also obtained



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family card, voter id, Aadhar card. As patta has not been issued to the said land, the petitioner and his family members were seeking patta from the respondents.

3. On 11.03.2023, a notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 was issued to the petitioner. The petitioner submitted his explanation to the respondents 3 and 4 on 15.03.2023. Thereafter, the petitioner has been directed to vacate the house by the fourth respondent and his officials. Hence, this writ petition.

4. Learned State Government Pleader, placing on record the status report of the third respondent, submitted that the land in question is classified as Tharisu and that the petitioner is also owning lands. However, he submitted that the third respondent will consider the explanation given by the petitioner on 15.03.2023 and pass appropriate orders.

5. In view of the above submission, this writ petition is disposed



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of directing the third respondent to consider the explanation given by the petitioner on 15.03.2023 and pass appropriate orders, on merits and in accordance with law, on the basis of the documents enclosed with the explanation or which may be produced by the petitioner , within a period of two weeks from the date of receipt of a copy of this order. There will be no order as to costs.

(T.R., ACJ.) (D.B.C., J.)
12.04.2023

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

1. The District Collector
Salem District, Salem.
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Omalur, Salem District.
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T.RAJA, ACJ,
and
D.BHARATHA CHAKRAVARTHY,J

(kpl)

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