



W.P.No.12142 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.12142 of 2023

K.Rajendaren

.. Petitioner

Vs

1.The District Collector,
Cuddalore District,
Manjakuppam, Cuddalor – 607 001.

2.The Revenue Divisional Officer,
Cuddalore District,
Manjakuppam, Cuddalore – 607 001.

3.The Tahsildar,
Veppur Taluk Office,
Near Bus Stand, Veppur,
Cuddalore – 606 304.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the records of the impugned notice dated 18.5.2022 issued under Section 7 r/w 3 of the Tamil Nadu Land Encroachment Act, 1905 (Act III of 1905) on the file of the third respondent, quash the same and consequentially direct the respondents to mutate the revenue records and issue patta to the petitioner for the property situate in Survey



W.P.No.12142 of 2023

Nos.136/1 and 136/2, admeasuring a total extent of 10 Acres and 2 cents, situated at Kolavoi Village, Veppur Taluk, Cuddalore District.

For the Petitioner : Mr.Om Prakash
Senior Counsel
for Mr.Maurric Meshak S L

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

ORDER

(Order of the court was made by the Hon'ble Acting Chief Justice)

K.Rajendaren, son of Kailasa Gounder, a resident of Kolavoi Village, Veppur Taluk, Cuddalore District, has filed this writ petition seeking issuance of a writ of certiorarified mandamus to call for the records of the impugned notice dated 18.5.2022 issued under Section 7 r/w 3 of the Tamil Nadu Land Encroachment Act, 1905 (Act III of 1905) on the file of the third respondent, quash the same, and to consequently direct the respondents to mutate the revenue records and issue patta to the petitioner for the property situate in Survey Nos.136/1 and 136/2, admeasuring a total extent of 10 Acres and 2 cents, at Kolavoi Village, Veppur Taluk, Cuddalore District.



W.P.No.12142 of 2023

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2. Mr.Om Prakash, learned Senior Counsel appearing on behalf of the petitioner, argued that the land comprised in Survey Nos.136/1 and 136/2 situate at Kolavoi Village, Veppur Taluk, Cuddalore District, is classified as "Nila Yela Tharisu" (Land Auction Barren Land) in the revenue records and the petitioner's family is in possession and enjoyment of the same for decades. It is further submitted that, originally, the petitioner's paternal uncle, Vellappa Gounder, was paying the kist and was in possession and enjoyment of the property along with the petitioner's father, Kailasa Gounder. The said property was sold in the auction to the persons in possession and enjoyment. Accordingly, the petitioner's paternal uncle purchased the property in the auction conducted on 20.2.1969 for a consideration of Rs.1,235.30, which was duly acknowledged vide the receipt bearing No.A-58-355950 issued by the revenue authorities in favour of the petitioner's paternal uncle. He, therefore, pleaded that the petitioner is not an encroacher and consequently the impugned notice is liable to be quashed.



W.P.No.12142 of 2023

WEB COPY

3. Learned Senior Counsel appearing on behalf of the petitioner further submitted that similarly placed persons, who are occupying lands comprised in S.Nos.134/1, 134/2, 134/3 and 134/4, were granted pattas, whereas the petitioner has been discriminated and no patta has been issued till date despite repeated requests made by the petitioner.

4. Learned Senior Counsel appearing on behalf of the petitioner also submitted that in response to the impugned notice dated 18.5.2022, the petitioner has given a detailed representation on 19.5.2022 enclosing all relevant documents, but till date the same has not been considered by the respondents. Apprehending that the respondents may take coercive action against the petitioner, the present writ petition has been filed.

5. Mr.P.Muthukumar, learned State Government Pleader taking notice on behalf of the respondents, would submit that since the petitioner has given a reply to the impugned notice, the third respondent may be granted four weeks' time to consider the same



W.P.No.12142 of 2023

WEB COPY

and pass a speaking order on merits and in accordance with law.

6. Recording the aforesaid submission made by learned State Government Pleader, we dispose of the writ petition with a direction to the third respondent to consider the reply of the petitioner dated 19.5.2022 and pass a speaking order on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. Till such order is passed by the third respondent, there shall be an order of status-quo.

There will be no order as to costs. Consequently, W.M.P.No.11980 of 2023 is closed.

(T.R., ACJ.) (D.B.C., J.)
20.04.2023

Index : No
Neutral Citation : No
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W.P.No.12142 of 2023

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WEB COPY

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W.P.No.12142 of 2023

20.04.2023