



WEB COPY



W.P.No.18528 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.18528 of 2023
and
WMP.No.17764 of 2023

B.Jayavel

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Petitioner

..VS..

1. The District Collector,
Dharmapuri District.
2. The Block Development Officer,
Pappireddipatti Union,
Dharmapuri District.
3. The Village Administrative Officer,
Singirihalli Village,
Pappireddipatti Taluk,
Dharmapuri District.
4. The President,
Ranimookkanoor Village Panchayath,
Pappireddipatti Taluk,
Dharmapuri District.

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Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ



W.P.No.18/14 of 2015

of Mandamus, directing the respondents not to evict the petitioner from the Government

Poramboke land in S.No.18/14, measuring 1.235 Hectares situated at Singirihalli

Village, Ranimookkanoor Post, Pappireddipatti Taluk and Dharmapuri District.

For Petitioner : Mr.J.Bharathi Raja

For Respondents : Mr.Muthukumar (R1 to R4)
State Government Pleader

ORDER

The relief sought in this Writ Petition is a Writ of Mandamus directing the respondents not to evict the petitioner from the Government Poramboke land in S.No.18/14, measuring 1.235 Hectares situated at Singirihalli Village, Ranimookkanoor Post, Pappireddipatti Taluk and Dharmapuri District.

2. Mr.P.Muthukumar, learned State Government Pleader takes notice for the Respondents 1 to 4. With consent, this writ petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner in brief is as under:



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The petitioner has been in possession and enjoyment of the aforesaid Government Poramboke land for the last three decades and has been paying tax to the Government. While so, all of a sudden, the 4th Respondent, without any authority, is attempting to dispossess him from the said property by mobilizing work force to dig a pit over the said land under Mahathma Gandhi National Rural Employment Guarantee Scheme (MGNREGS). In this regard, he submitted a representation to the 1st Respondent in person on 22.05.2023. Though the 1st respondent assured him that he would ensure that the 4th Respondent does not enter into the property, no action has been taken against the 4th Respondent till date. Hence, the Writ Petition.

4. The learned counsel appearing for the Petitioner submitted that as the Petitioner has been in lawful possession of the land in question, a direction may be given to the Respondents not to evict him from the aforesaid land.

5. Mr.P.Muthukumar, learned State Government Pleader, submitted that the land in question is a poramboke land, which has been encroached by the Petitioner; since the same is required for implementation of National Rural Employment Guarantee Scheme (MGNREGS), the Government is taking steps to evict the Petitioner.



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6. Considering the facts and circumstances of the case and the submissions made on either side, we are of the view that the relief sought for by the Petitioner cannot be granted.

7. Hence, this Writ Petition is dismissed. We direct the Respondents concerned to take steps to remove the encroachment forthwith, by following the due process of law, within a period of one month from the date of receipt of a copy of this order, failing which disciplinary action shall be taken against the Respondents concerned. No costs. Consequently, connected Miscellaneous Petition is closed.

[S.V.N., J.] [K.R.S., J]
23.06.2023

Index: Yes / No
Internet: Yes / No
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W.P.No.18 of 2022

To

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S. VAIDYANATHAN,J.,
and
K.RAJASEKAR,J

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