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W.P.Nos.2644 & 2645 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.2644 & 2645 of 2014

and

M.P.Nos.1, 1 to 3 of 2014

Dalmia Cements (Bharat) Limited
Dalmiapuram – 621 651
Ariyalur Taluk, Ariyalur District
Rep by its Senior General Manager

... Petitioner
in 2 WPs

Vs.

1.The Commissioner and
Secretary to Government
State of Tamil Nadu
Revenue Department
Secretariat, Fort St. George
Chennai – 600 009.

2.The District Collector &
Appellate Authority under
Land Encroachment Act
Ariyalur District
Ariyalur.

3.The Tahsildar
Ariyalur.

... Respondents
in 2 WPs



Prayer in W.P.No.2644 of 2014: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the second respondent from in any manner passing any orders on the appeal dated 26.09.2011 filed by the petitioner herein under Section 10 of the Tamil Nadu Land Encroachment Act, 1905 until the petitioner's representations dated 10.07.2009 and 08.01.2010 submitted to the 1st respondent and the further representation dated 02.01.2014 submitted to the 2nd respondent are considered and disposed of on merits by the respondents.

Prayer in W.P.No.2645 of 2014: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to consider petitioner's representations dated 10.07.2009 and 08.01.2010 submitted to the first respondent, as revised by the petitioner's further representation dated 02.01.2014 addressed to the 2nd respondent in respect of the petitioner's request for exchange of Government lands of an extent of 4.18.0 Hectares with the petitioner's patta lands of an extent of 4.28.5. Hectares in Dalmiapuram, Ariyalur District.

For Petitioner	: Ms.Kavya.S For Mr.Rahul Balaji (in 2 WPs)
For Respondents	: Mr.T.Arun Kumar Additional Government Pleader (in 2 WPs)



COMMON ORDER

The relief sought for in the writ petition in W.P.No.2644 of 2014 is to forbear the 2nd respondent from in any manner passing any orders on the Appeal dated 26.09.2011 filed by the petitioner under Section 10 of the Land Encroachment Act, 1905 until the petitioner's representation dated 10.07.2009 and 08.01.2010 submitted to the 1st respondent and the further further representation dated 02.01.2014 submitted to the 2nd respondent are considered and disposed of on merits by the respondents.

2. The relief sought for in the writ petition in W.P.No.2645 of 2014 is to direct the 1st respondent to consider petitioner's representations dated 10.07.2009 and 08.01.2010 submitted to the 1st respondent, as revised by the petitioner's further representation dated 02.01.2014 addressed to the 2nd respondent in respect of the petitioner's request for exchange of Government lands of an extent of 4.18.0 Hectares with the petitioner's patta lands of an extent of 4.28.5. Hectares in Dalmiapuram, Ariyalur District.

3. With reference to the relief sought for in these writ petitions, the counter affidavit filed by the District Collector, Ariyalur reveals that based



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on the representation submitted by the petitioner / company, the District Collector, Ariyalur submitted a proposal to the Government, in turn the Commissioner of Land Administration, Chennai addressed a letter to the Principal Secretary to Government, Revenue Department on 21.07.2011. The Authorities found that out of 18 Survey Fields, 8 Fields are water course poramboke. Therefore, the Government in order to generate revenue to the 'State' recommended to lease other fields other than the water course poramboke and encroachments in the water course were kept without any encroachments. The recommendation in this regard no doubt is to be followed in accordance with the provisions of the Act and Rules.

4. As far as the Appeal under Section 10 of the Act filed by the petitioner / Company dated 26.09.2011 is concerned, the District Collector, Ariyalur has disposed of the same in proceedings dated 29.01.2014 and therefore, the prayer sought for in these writ petitions have become infructuous. If at all any grievances exists as of now, the petitioner is at liberty to approach the competent authorities in the manner know to law.



5. With this liberty, these Writ Petitions stand disposed of. No costs.

Consequently, connected Miscellaneous Petitions are closed.

05.06.2023

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Index : Yes

Speaking order

Neutral Citation : Yes / No

To

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S.M.SUBRAMANIAM, J.

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