



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 20-11-2023

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.A.No.3085 of 2023

Mr.V.U.Maruthachalam

...

Appellant

-VS-

1.The District Collector,
Collectorate Campus,
Huzur Road,
Coimbatore – 641 018.

2.The District Revenue Officer,
Collectorate Campus,
Huzur Road,
Coimbatore – 641 018.

3.The Revenue Divisional Officer,
Coimbatore South,
Coimbatore.

4.The Tahsildar,
Madukkarai Taluk,
Coimbatore District.

5.Mr.M.Raju
6.N.M.Sukumar



7.The Executive Officer,
Vellalore Town Panchayat,
Coimbatore.

8.The Director of Town and Country Planning (DTCP),
CMDA Office Complex, E and C, Market Road,
Koyambedu,
Chennai-600 107.

9.The Assistant Director of Survey and Land Records,
Collectorate,
Coimbatore.

10.The Superintendent of Police (Rural),
Coimbatore,
Coimbatore District.

11.The Commissioner of Town Panchayat,
No.75, Santhome High Road,
Urban Administrative Building,
MRC Nagar,
Raja Annamalai Puram,
Chennai – 600 028.

12.The District Registrar,
Registration Department,
State Bank Road,
Collectorate,
Coimbatore – 641 018.

...

Respondents

Appeal under Clause 15 of the Letters Patent against the order, dated
13.09.2023, passed in W.P.No.10946 of 2023.

For Appellant : Mr.C.Mani Shankar,
Senior Counsel,
for Mr.K.Shanmuganadhan.



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For Respondents 1 to 4 : Mr.A.Selvendran,
Spl.Govt.Pleader.

For Respondent 7 : Mr.E.Vijay Anand,
Addl.Govt.Pleader.

JUDGMENT

(By *S.Vaidyanathan,J.*)

This *intra-court* has been filed challenging the order, dated 13.09.2023, passed in W.P.No.10946 of 2023.

2. Mr.C.Mani Shankar, learned Senior Counsel, appearing for the appellant, would submit that the OSR land, which is the subject matter of appeal and referred to in the order impugned, does not belong to the appellant, but it is the property situate adjacent to his property. He also drew the attention of this Court to the interim order passed by this Court about initiation of civil and criminal action.

3. For the sake of convenience, Paragraphs 7 to 9 of the final order passed in the Writ Petition are extracted below :

"7. Elaborate adjuration of allegations in the present writ petition is not required. In view of the fact that respondents 1 to 4 are bound to initiate all appropriate actions to prosecute the offenders and to restore the OSR lands gifted in favour of the local authorities in the entire locality. In this context, the 6th respondent is at liberty to submit a fresh compliance, setting out the facts and circumstances along with the



documents if any. The report submitted by the authorities may be served to these parties who in turn, on receipt may submit their objections if any to the authorities which may also be considered while initiating actions against the offenders in this regard.

8. At the outset, the respondents 1 to 3 are directed to conduct an inquiry and thereafter, initiate appropriate action, both under the criminal law and under the relevant Act and Rules and to resume the OSR lands and protect the lands for the benefit of the people of that locality.

9. The District Collector is directed to initiate disciplinary proceedings against the Government officials who are involved any such lapse, negligence or dereliction of duty or corrupt activities. If any allegations of corruptions are noticed, then action under the Prevention of Corruption Act is to be initiated. The District Collector is directed to institute all necessary actions in the interest of public and to protect the public properties. The District Collector is directed to complete the inquiry within a period of three (3) months and initiate all appropriate actions."

4. The learned single Judge directed respondents 1 to 3 in the Writ Petition to conduct an inquiry and, if there was a prima facie case made out, to initiate appropriate action in accordance with law.

5. Hence, we are of the view that no prejudice is going to be caused to the appellant and the appellant, under the assumption that he is under threat, has



approached this Court by way of this appeal.

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6. Mr.C.Mani Shankar, learned Senior Counsel, would further submit that while initiating action, notice has been issued to the appellant under Tamil Nadu Land Encroachment Act,1905, in short, "the Act", which is not valid in law.

7. We are not inclined to go into the above aspect now, because that is not the subject matter of this Writ Appeal, even though the learned Senior Counsel has submitted that notice under Section 9 of the Act was issued after disposal of the Writ Petition and before the Writ Appeal was numbered. Therefore, leaving all the issues open, the respondents are expected to comply with the order of the learned single Judge, by conducting a *de novo* inquiry, after affording an opportunity of hearing to all the parties concerned and after going through the documents furnished by the parties, including A-Register from the office of Sub-Registrar of the area and title deeds, within a period of three months.

8. Writ Appeal is disposed of accordingly. No costs. Consequently, the connected C.M.P.No.25612 of 2023 is closed.

Index : Yes/No
Internet : Yes/No
dixit

(S.V.N.,J.) (K.R.S.,J.)
20-11-2023



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