



WEB COPY



W.P. No.34644 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2023

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P. No.34644 of 2022

K.Rahmathullah

... Petitioner

versus

- 1 The District Collector
Mayiladuthurai District
- 2 The District Revenue officer
Mayiladuthurai Taluk
Mayiladuthurai District
- 3 The Tahsildar
Tarangambadi Taluk
Mayiladuthurai District
- 4 The Block Development Officer
Mayiladuthurai Taluk
Mayiladuthurai District
- 5 Hajj Mohammed
- 6 Najama Begam
- 7 Nazeera Begam
- 8 Niyamath Nisha

... Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing respondents 1 to 4 to consider the petitioner's representation dated 16.08.2022 sent to take necessary action to remove encroachment made into the Government Tank (Kulam Promboke) property Situated at Eduthukatti Village (66) Tharangambadi Taluk Mayiladuthurai District



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comprised in S.No.349/37 to extent about 0.91 cents by the 5th to 8th respondents.

For the Petitioner : Mr.R.Thanjan

For the Respondents : Mr.P.Muthukumar,
State Government Pleader,
for respondents 1 to 4

ORDER

(Made by the Hon'ble Acting Chief Justice)

This writ petition has been filed praying for a Writ of Mandamus directing respondents 1 to 4 to consider the petitioner's representation dated 16.08.2022 and to remove encroachment made in the Government Tank (Kulam Promboke) property situated at Eduthukatti Village (66) Tharangambadi Taluk, Mayiladuthurai District comprised in S.No.349/37 to extent about 0.91 cents, by respondents 5 to 8.

2. Learned counsel for the petitioner submitted that there is an encroachment made by respondents 5 to 8 in Eduthukatti Village(66), Tharangambadi Taluk, encroaching the Government tank (kulam poromboke). The encroachers have also constructed a school building in the said Government land. But the revenue authorities have not taken any action to recover the subject land. Therefore, a detailed representation dated 16.08.2022 was sent to the official respondents to take necessary action against the encroachers. However, there was no action taken by respondents 1 to 4, except sending a letter by the first respondent to the third respondent to take action against the encroachers.



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The petitioner has therefore filed this writ petition seeking the above prayer.

3. Mr.P.Muthukumar, learned State Government Pleader appearing for respondents 1 to 4 placed before us written submissions dated 31.12.2022 addressed to him by the third respondent and submitted that originally, the land covered in S.No.152/27, which has been further sub-divided into S.No.349/37, was also classified as 'natham' to an extent of 03.56.5 and considering the request made by some of the landless people, conditional patta was granted to 14 persons. But they have violated the condition not to sell the land, and one Mohammed Hussain has purchased the land from 14 pattadars. Since there has been violation of the conditions made in the assignment, the respondents have taken a final call to resume/recover the land from these 14 persons. Accordingly, action has been taken. Since a school building has been constructed in the place in question, the school stands shut down and no permission has been granted to run the school. Therefore, action has been taken.

4. Since the written instructions dated 31.12.2022 placed before us clearly shows that action has been taken to resume the land for violation of conditions, the writ petition stands disposed of. There will be no order as to costs.

(T.R., ACJ.) (D.B.C., J.)
02.01.2023

Index: Yes/No
tar

To

<https://www.mhc.tn.gov.in/judis>



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