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W.P.Nos.34825, 34828, 34829,
34831, 34832 & 34833 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition Nos.34825, 34828, 34829,
34831, 34832 & 34833 of 2022
and WMP.Nos.34252,34253, 34254, 34256, 34258, 34259

Dayalan	... Petitioner in W.P.No.34825/2022
Thanikachalam	... Petitioner in W.P.No.34828/2022
A.Dilli	... Petitioner in W.P.No.34829/2022
P.Parthiban	... Petitioner in W.P.No.34831/2022
S.Srinivasan	... Petitioner in W.P.No.34832/2022

-Vs-

1. The District Collector,
Chengalpet, Chengalpet District.
2. The Sub-Collector/Revenue Divisional Officer,
Chengalpet, Chengalpet District.
3. The Tahsildar,
Thiruporur Taluk,
Thiruporur, Chengalpet District.
4. The Revenue Inspector,
Nellikuppam Firka,
Thiruporur (Taluk),
Chengalpet District.
5. The Village Administrative Officer,
Kayar Village,



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Kayar Post, Thirporur Taluk,
Chengalpet District.

... Respondents in all W.Ps.

Common Prayer : Writ Petitions under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, forbearing the respondents from interfering peaceful possession and enjoyment of the property in Survey No.672, 674/1 extent of 100 cents, 30 cents, 25 cents, 1 acre 20 cents, 25 cents and 18 cents respectively situated at Kayar Village, Thiruporur Taluk, Chengalpet District.

For Petitioners : Mr.R.Chandrasekaran
[in all W.Ps.]

For Respondents : Mrs.Akila Rajendaran
[in all W.Ps.] Government Advocate

COMMON ORDER

The prayer sought for in these writ petitions since is one and the same and pertains to the property of the same survey number, with the consent of learned counsel appearing for both sides, all these writ petitions were heard together and are disposed of by this common order.

2. It is a case of the petitioners that in S.Nos.672 and 674/1 at Kayar Village, Thiruporur Taluk, Chengalpet District, which is admittedly a Governance poromboke land, however for long years, the



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petitioners had been in occupation of the said property and they have been doing agricultural activities.

3. Knowing these activities taken by the petitioners and the possession of the petitioners in the said property, where they doing agricultural activities, no action seems to have been taken by the Revenue Authorities. Now, all of a sudden, the Revenue Authorities had come forward to evict the petitioners from the property in question. Therefore, at this juncture, the petitioner have moved the present writ petitions seeking for a writ of mandamus forbearing the respondents from interfering with the peaceful possession and enjoyment of the property in question.

4. Heard Mr.R.Chandrasekaran, learned counsel appearing for the petitioners, who would submit that for several years, these petitioners have been in possession and enjoyment of the respective area of the property in the said two survey numbers, where they are doing agricultural activities and they do not have any other cultivable lands for their livelihood. Therefore, their long possession may be considered and



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patta may be issued to them. Till such time, their possession need not be interfered with. Therefore, in order to prevent the respondents from interfering with the peaceful possession and enjoyment of the property concerned of the petitioners, the present writ petitions have been moved. Therefore, learned counsel appearing for the petitioners seeks indulgence of this Court.

5. However, Mrs.Akila Rajendran, learned Government Advocate appearing for the respondents would submit that, admittedly, it is a Government Poromboke land. When that being so, whatever for the period the petitioners claimed to have been in occupation or encroachment of the property that possession cannot be treated as a lawful possession and it can only be treated as an encroachment. Therefore, at any time these petitioners can be evicted, especially their occupation or encroachment comes to the notice of the Revenue Authorities, such action definitely would be taken, therefore, once such action is initiated, the respondents cannot be thwarted of by the petitioners seeking for a writ of mandamus forbearing the respondents from taking any action to evict these petitioners. Therefore, the learned



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Government Advocate would submit that the petitioners have no right to claim the property in question either as a ownership or as a possessory right and their occupation is only as an encroachment since being an illegal one, thereby, they would be thrown out or evicted at any time. Hence, the prayer sought for in these writ petitions cannot be countenanced.

6. I have considered the rival submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.

7. Admittedly, the land in question belongs to the Government, therefore, whatever the period, for which, the petitioners having been in occupation of the property doing cultivation or agricultural activities that cannot be conferred any right on the petitioners.

8. In such kind of encroachment of Government lands are concerned, how these encroachers have to be dealt with even before eviction has been spelt out in the Land Encroachment Act, 1905, under



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which, Sections 6 and 7 can be invoked by the Revenue people after giving notice to the encroachers for two weeks period, then action can be taken by the Revenue Authorities to evict them.

9. Without resorting to the said procedure contemplated under Land Encroachment Act, 1905 as referred to above, abruptly the petitioner may not be evicted and in that view of the matter, this Court is inclined to dispose of these writ petitions with the following orders:

That it is open to the respondent Revenue Department to invoke the provisions of the Land Encroachment Act, 1905, under which, notice can be issued under Section 7 of the Act before initiating action to evict the petitioners under Section 6 of the Act and notice shall be issued to all occupants including the petitioners giving two weeks period. After the completion of two weeks period, if no satisfactory reply has come or if the reply submitted by the petitioners is not satisfactory to the Revenue Authorities, it is open to the them to invoke Section 6 of the Act and accordingly, they can act upon. Till such time, the petitioners need not be disturbed.



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With these observations and directions, these writ petitions are disposed of. No costs. Connected miscellaneous petitions are closed.

02.01.2023

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No

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To

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Chengalpet, Chengalpet District.
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R. SURESH KUMAR, J.

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