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Writ Petition No.1862 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 16/2/2023

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Writ Petition No.1862 of 2017
a n d
W.M.P.No.1859 and 1860 of 2017

V. Sivaji

...

Petitioner

Vs

1. The Inspector of Panchayat/
District Collector
Vellore District
Vellore.

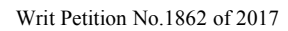
2. The Special Officer/Block Development Officer
Melandurai Village Panchayat
Melandurai Village, Nemili Taluk
Vellore District.

3. The Junior Engineer
Operation & Maintenance, TNEB
Nagavedu Village
Nemili Taluk
Vellore District.

...

Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India
praying for the issuance of a writ of mandamus to forbear the second
respondent and his officials from forcibly taking over the agricultural lands



For Petitioner	...	Mr.P.Krishnan for Mr.N.Manoharan
For respondents	...	Mr.V.Nanmaran Additional Government Pleader for R.1
		Mr.R.S.Selvam for R.2.
		Mr.Madhusudhan TNEB for R.3.

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This writ petition has been filed to forbear the second respondent and his officials from forcibly taking over the agricultural lands measuring



2.66.5 acres in S.Nos.2-0.26 cents out of 1/55 acres, 3/1C-1.62 acres out of 2.43 acres, 4-0.30 cents, 13/1-15 cents out of 2.43 acres, 13/3-0.13 cents, 11/4-0.16.5 cents out of 50 cents situated at Melandurai Village, Nemili Taluk, Vellore District by causing damage to the electricity service connection SC No.111 until the compliance of the provisions of the Tamil Nadu Panchayat Act, 1994 or The Right to Fair Compensation, Transparency in Land Acquisition, Rehabilitation & Re-Settlement Act, 2013.

2. The case of the petitioner is that he is cultivating the land to an extent of 1.62 acres out of 0.98.5 hectares covered in S.No.3/1C situated at Melandurai Village, Nemili Taluk. A patta has also been issued by the Tahsildar in the name of the father of the petitioner. When the matter stood thus, the second respondent has damaged the E.B starter, fuse carrier, wiring set, etc., without any authority of law. Hence, the petitioner lodged a complaint on 21/1/2017, before the Sub-Inspector of Police, Arakkonam Taluk Police Station. The concerned Police are preventing the officials of the second respondent from further proceeding on the said property. Hence the instant writ petition.



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3. Heard Mr.P.Krishnan, learned counsel for the petitioner, Mr.V.Nanmaran, learned Additional Government Pleader for the first respondent, Mr.R.S.Selvam, learned counsel for the second respondent and Mr.Madhusudhan, learned Standing Counsel for TNEB.

3. The learned counsel appearing for the second respondent, on instruction submitted that building proposed would be constructed only in S.No.5 and not in the land belongs to the petitioner. He further submitted that they will not interfere with the petitioner's patta land. Written instruction is also filed in this regard.

4. Submission of the learned counsel appearing for the second respondent is recorded.

5. As the second respondent had identified some other poramboke land, and they have also admitted that they will not use the petitioner's patta land, no further order is required at this stage. Accordingly, this writ petition is closed. The respondents are directed to survey the land in the



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presence of the petitioner before starting the construction. No costs.

Consequently, the connected Miscellaneous Petitions are closed.

16/2/2023

Index : Yes / No

Internet: Yes

Speaking/non speaking order

mvs.

To

1. The Inspector of Panchayat/
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Vellore District
Vellore.
2. The Special Officer/Block Development Officer
Melandurai Village Panchayat
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N. SATHISH KUMAR, J

mvs.

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