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W.P.No.14022 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2024

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THE HONOURABLE MR. JUSTICE S. SOUNTHAR

W.P No.14022 of 2020
and
W.M.P.No.17412 of 2020

D.Rajasekaran

...Petitioner

Vs.

1. The District Collector,
Villupuram District,
Villupuram.
2. The Revenue Divisional Officer,
Villupuram District, Villupuram.
3. The Assistant Director,
Mining & Geology,
Villupuram District, Villupuram.
4. The Tahsildar,
Vikravandi Taluk, Villupuram District.
5. R.Ramados Gounder
6. Smt. Shantha
7. Vijayakumar

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to consider the petitioner's representations dated 04.01.2020 and 25.01.2020 sent for taking action against the respondents 5 to 7 for involving in illegal Bricklin



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Works and illicit excavation works in the petitioner's properties, situated at Pagandai Village, Vakkur Post, Vikravandi Taluk, Villupuram District, comprised in S.No.89A/13, to an extent of 0.35 cents, S.No.89A/15, to an extent of 0.30 cents, out of 0.63 cents, S.No.89A/9 to an extent of 0.29 cents and S.No.89A/1, to an extent of 0.24 cents, in all totaling to an extent of acre 1.18 cents.

For Petitioner	: Mr.R.Thanjan
For R1 to R4	: Mr. E.Vijay Anand Additional Government Pleader
For R5 & R6	: Mr.T.Seshan for M/s. R.Meenal

ORDER

The petitioner herein seeks a direction to the respondents 1 to 4 to consider his representations dated 04.01.2020 and 25.01.2020 seeking action against the respondents 5 to 7 who are involved in illegal Bricklin Works and illicit excavation works of the property situated in survey Nos.89A/13, S.No.89A/15, S.No.89A/9 and S.No.89A/1, Pagandai Village, Vakkur Post, Vikravandi Taluk, Villupuram District.

2. It is the case of the petitioner that the above mentioned property



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originally owned by his grandfather Chinnasamy Nattar and his grandmother Alamelu Ammal. They executed a settlement deed in favour of the petitioner's mother Kuppammal on 20.02.1968 giving life estate to her with vested remainder in favour of her male heirs. After the death of the petitioner's grandparents and mother, the petitioners and his brothers are entitled to the suit property. It is further case of the petitioner that the private respondents herein are doing illegal Bricklin Works and illicit excavation works in the subject property. Therefore, he submitted representations dated 04.01.2020 and 25.01.2020 before the official respondents seeking proper action and the same has not been considered till date. Therefore, the petitioner is before this Court.

3. The learned Additional Government Pleader appearing for the respondents 1 to 4 on written instructions submitted that pursuant to the direction issued by this Court at the time of admission, the fourth respondent conduct field enquiry and submitted a report before the second respondent in his proceedings dated 23.10.2020. It is also submitted that a criminal complaint has been filed by the fourth respondent on 18.12.2020 on the file of Vikravandi Police station.



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4. The learned counsel appearing for the private respondents submitted that the petitioner filed a suit for declaration and recovery of possession against the private respondents in O.S.No.3 of 2020 and the same was dismissed for default. Therefore, the private respondents disputing the right of the petitioner over the subject property.

5. In view of the above mentioned facts, this Court is inclined to issue a direction to the second respondent to consider the representations of the petitioner dated 04.01.2020 and 25.01.2020, in the light of the report submitted by the fourth respondent in her proceedings Na.Ka.A4/6008/2020, dated 23.10.2020 and pass final orders, after affording reasonable opportunity to the petitioner as well as the respondents 5 to 7 and any other interested parties, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No



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Internet : Yes/No
Speaking Order/Non-Speaking Order

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S. SOUNTHAR, J.

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