



W.P.No.23042 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2024

CORAM :

THE HONOURABLE MR. D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

and

THE HONOURABLE MR.JUSTICE P.B.BALAJI

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Dasadevan

... Petitioner

Vs.

1. The District Revenue Officer,
Krishnagiri District, Krishnagiri.

2. The District Revenue Officer,
Krishnagiri District, Krishnagiri.

3. The Tahsildar, Uthankarai Taluk,
Krishnagiri District.

4. The Block Development Officer,
Uthankarai, Krishnagiri District.

5. Jaya

6. Dhanapal

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India seeking to issue a Writ of Mandamus, directing the respondents 2 and 3 to remove the encroachment made by the private respondents and others in survey Nos.224/1A to an extent of 0.54.50 hectare classified as Odai



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Poramboke and S.No.217/2 to extent of 1.59.5 hectare classified as Podukaal Poramboke situate at Kurumkuttai Village, Singarapettai Revenue sub Division, Uthankarai Taluk, Krishnagiri District by cancelling the assignment order dated 14.03.2008 issued to them based on the representation dated 03.07.2023.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.Habeeb Rahman, Government Advocate
for respondents 1 to 3.

ORDER

(Order of the Court was delivered by the Ho'ble Acting Chief Justice)

This writ petition has been filed to direct the respondents 2 and 3 to remove the encroachment made by the private respondents and others in survey Nos.224/1A to an extent of 0.54.50 hectare classified as Odai Poramboke and S.No.217/2 to extent of 1.59.5 hectare classified as Podukaal Poramboke situate at Kurumkuttai Village, Singarapettai Revenue sub Division, Uthankarai Taluk, Krishnagiri District by cancelling the assignment order dated 14.03.2008 issued to them based on the representation dated 03.07.2023.



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2. The petitioner is owning the lands in both sides of S.No.224/1A and 217/2, Kurumkuttai Village, Singarapettai Revenue Sub Division, Uthankarai Taluk, Krishnagir District. The above said lands are classified as Odai Poramboke and are encroached by the private respondents and they have dug a well in the said land and also destroyed the road existing in the said lands, thereby causing hindrance to the petitioner as well as others for reaching their agricultural lands situated adjacent to the said survey numbers. Hence, he made several representations to the respondents to remove the encroachments. The respondent sent a communication to the petitioner informing that the land in S.No.224/1A and 217/2 have been assigned to the private respondents and others under the Special Scheme for assignment of land, who are landless and poor persons in the year 2007, vide proceedings dated 22.03.2008. Accordingly, the fifth respondent is in possession and enjoyment of the said land and there was no encroachments and hence, they rejected the requests made by the petitioner. After receipt of the communication, the petitioner made a representation on 03.07.2023 to the first respondent to cancel the assignment order issued in favour of the private respondents, because the above said watercourse lands were



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reclassified for the purpose above said scheme of " assignment of lands" to poor people, which is unsustainable of law. However, no action was taken by the official respondent. Hence, this writ petition has been filed.

3. The learned counsel for the petitioner submitted that, though the writ petition has been filed seeking direction to the official respondents to remove the encroachments made in the land in question by cancelling the assignment order, the petitioner is restricted his claim to the effect that the respondents concerned may be directed to consider the representation made by the petitioner, dated 3.7.2023 and to take action.

4. M.Habeeb Rahman, learned Government Advocate takes notice for the respondents 1 to 3 and submitted that the representation of the petitioner will be considered by the authorities concerned and appropriate action will be taken in accordance with law, within a time, as fixed by this Court.

5. Considering the facts and circumstances of the case and also taking



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into account the submission made by the learned counsel for the petitioner as well as the Government Advocate, we inclined to pass the following order.

i) The first respondent is directed to consider the representation of the petitioner dated 03.07.2023 and take appropriate action in accordance with law, as early as possible within a period of 12 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.

(D.K.K., A.C.J.)

(P.B.B.J.)

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Internet: Yes/No

Index : Yes/No

mst

To

1. The District Revenue Officer, Krishnagiri District, Krishnagiri.
2. The District Revenue Officer, Krishnagiri District, Krishnagiri.
3. The Tahsildar, Uthankarai Taluk, Krishnagiri District.
4. The Block Development Officer, Uthankarai, Krishnagiri District.



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THE HON'BLE ACTING CHIEF JUSTICE

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