



WEB COPY



WP No.23900 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2024

CORAM:

THE HON'BLE MR.D. KRISHNAKUMAR, ACTING CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE P.B. BALAJI

WP No.23900 of 2024

M.Saravana

... Petitioner

versus

- 1.The Commissioner of Land Administration,
Land Administration Department,
2nd Floor, Ezhilagam, Chepauk,
Chennai-600 005.
- 2.The Collector,
Collectorate Building,
Coimbatore -641 018.
- 3.The District Revenue Officer,
Collectorate Building,
Coimbatore -641 018.
- 4.The Tasildhar,
Office of the Taluk Tahsildar,
Annur Taluk,
Coimbatore.



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5.The Revenue Inspector,
Sarkarasamakulam Village,
Coimbatore.

6.State of Tamil Nadu,
Represented by its Principal Secretary to the Government,
Revenue & Disaster Management Department,
Fort St.George,
Chennai-600009.

...Respondents

R6 is impleaded in WMP No.26957 of 2024
in WP No.23900 of 2024 by
A.C.J. and P.B.B.J.

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Mandamus, directing the respondents to consider the petitioner's representation dated 19.03.2024 in the light of G.O.(Ms) No.570 dated 20.09.2021 and G.O.(Ms) No.201 dated 10.05.2022 issued by Revenue and Disaster Management Department Land Disposal Wing, LD.3(1) Section, within a time framed by this Court and pass orders.

For the Petitioner :Mr.G.Rajagopal
Senior Counsel
Mr.D.G.Hariprasath

For the Respondents :Mr.K.Karthik Jagannath
Government Advocate
for respondents 1 to 5

ORDER

(Made by the Hon'ble Acting Chief Justice)

The writ petition is filed for a direction to the respondents to consider the representation dated 19.03.2024 of the petitioner in the light of



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G.O.(Ms) No.570 dated 20.09.2021 and G.O.(Ms) No.201 dated 10.05.2022 issued by Revenue and Disaster Management Department Land Disposal Wing, LD.3(1) Section.

2. According to the petitioner, the petitioner and his father are absolute owner of agricultural land which covers about 4 acres forming part of a larger extent of Survey No.485/2 presently sub-divided as S.F.No.485/1A and S.F.No.485/3C1 of Sarkar Samakulam Village, Annur Taluk, Coimbatore.

3. A writ petition has been filed by one Palanisamy in W.P.No.11133 of 2022, seeking for a direction to the respondent authority to take action to remove encroachments made in poromboke cart track in S.F.No.485/2 situated at Sarkar Samakulam Village, Annur Taluk, Coimbatore District, in accordance with law. In the said writ petition, the petitioner therein had arrayed the petitioner herein as a party respondent. The writ court had directed the respondent authority to conduct a survey of the said land and if any encroachment found, the respondent authority was



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given liberty to proceed further in accordance with law, after issuing notice to the encroachers. Pursuant to the said order, notice has been issued under Section 7 of the Land Encroachment Act, 1905 to the petitioner herein.

4. While so, the petitioner has made representations dated 12.07.2023 and 18.07.2023 to the first respondent and the Commissioner of Land Administration to consider his representations in the light of G.O.(Ms) No.570 dated 20.09.2021 and G.O.(Ms) No.201 dated 10.05.2022 issued by the Revenue and Disaster Management Department, Land Disposal Wing LD.3(1) requesting for an exchange of patta land for porombokes which are partially or fully locked inside the patta land of the petitioner. Since the same has not been considered, he has filed the present writ petition.

5. Learned Government Advocate appearing for the respondent authority would submit that if any such representation is made by the petitioner, the same will be considered as per the Rules.

6. In the light of the above, the petitioner is permitted to make a



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fresh representation to the District Collector and to the Tahsildar for providing alternative land for the purpose of cart track, within a period of two weeks from the date of receipt of a copy of this order. If any such representation being made, the authority concerned, i.e. the District Collector or the Tahsildar is directed to consider the same as per Rules and pass orders, as early as possible, within a period of three weeks thereafter, after providing opportunity to the parties concerned, if necessary.

7. With the above directions, the writ petition stands disposed of. There shall be no order as to costs. Consequently, W.M.P.No.26162 of 2024 is closed.

8. Till such time, there shall be an order of status quo, as on today to be maintained by both parties.

(D.K.K., ACJ.) (P.B.B., J.)
05.09.2024

Index : Yes/No
Neutral Citation : Yes/No
mrn
To
1.The Commissioner of Land Administration,

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THE HON'BLE ACTING CHIEF JUSTICE
and



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P.B. BALAJI, J.

(mrn)

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