

W.P.No.39551 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 02.01.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.39551 of 2024

Anjalai

... Petitioner

Vs

1 The District Collector,
Kallakurichi,
Kallakurichi District.

2 The Revenue Divisional Officer,
Kallakurichi,
Kallakurichi District.

3 The Tahsildar,
Ulundurpet,
Kallakurichi District.

4 R.Kolanji

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking to issue Writ of Mandamus, directing the 1st to 3rd Respondents to consider the representation dated 16.12.2024 and



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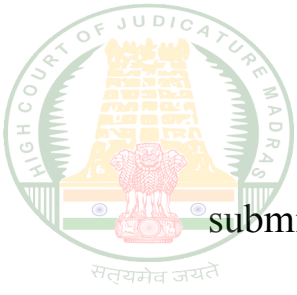
consequently to provide an opportunity to the Petitioner to appear before the Respondents 1 to 3 to explain her statement with respect to the said property.

For Petitioner : Mr.K.N.S.Law Chambers
For Respondents : Mr.P.Satish
1 to 3 Additional Government Pleader

ORDER

This Writ Petition has been filed seeking to issue a writ of mandamus directing the respondents 1 to 3 to consider the petitioner's representation dated 16.12.2024 and consequently to provide an opportunity to the Petitioner to appear before the respondents 1 to 3 to explain her statement with respect to the said property.

2. It is the case of the petitioner that she is the absolute owner of the property comprised in Survey No.45/45 with patta No.331, No.22, Sikkadu Village Ulundurpettai Taluk, Kallakurichi District in which she has been residing over over 30 years. The petitioner would



submit that she had availed the benefits of the Government Scheme for constructing a residential house. Apart from the property in question, she owns no other property.

3. The husband of the 4th respondent, one Rangaswamy was working as a Village Assistant in Sikkadu Village. He was aware about the property comprised in S.No.45/1 of the said village which has been described as a Government Poromboke. On 10.07.2022, the husband of the 4th respondent along with some local persons had trespassed into the subject property and installed a temporary shed. The petitioner's son, Veerasamy had lodged a police complaint and it was referred to the Revenue Department as the lands in question were the Government lands. The petitioner would submit that a complaint had been given on 11.07.2022 and subsequently on 11.11.2022 to the Tahsildar, the third respondent to take action against the 4th respondent for illegally occupying the land in question. On the basis of this complaint, the respondents 1 to 3 had removed all the superstructures



put up on the said property and installed a banner in the property on 08.12.2022 clearly stating that the land belonged to the Government.

In the first week of February 2024, the 4th respondent was once again attempted to encroach into the property on the ground that he had paid the amount to purchase the said property through an unregistered deed. On 07.02.2024, the petitioner had once again given a complaint to the 3rd respondent. In response to the complaint, the 3rd respondent had referred the matter to the 2nd respondent to conduct an enquiry.

4. During the pendency of these proceedings, the 4th respondent had filed W.P.No.23427 of 2024 suppressing the complaint of the petitioner as well as the action initiated by the respondents 1 to 3 to remove the superstructure put up on the said property. The 4th respondent sought a direction to consider his representation dated 19.12.2022 for issuance of patta in respect of the poromboke land. This Court on 16.08.2024 had passed an order directing the 1st respondent to consider the representation of the petitioner therein dated 19.12.2022



and pass orders on merits within a period of 6 weeks from the date of receipt of a copy of that order. The petitioner had not been made a party to the said writ petition. The petitioner denied the contention of the 4th respondent that he has been using the property in question for the last 40 years. The petitioner had made a representation on 16.12.2024, which was also received by the respondents 1 to 3. However, the respondents had stated that the petitioner should obtain the orders from this Court. Therefore, the petitioner is before this Court.

5. Heard the learned counsel on either sides.

6. The Writ Petition is disposed of with a direction that the 1st respondent, while considering the representation of the 4th respondent pursuant to the orders of this Court in W.P.No.23427 of 2024 dated 16.08.2024, shall also consider the objections of the petitioner, after issuing notice to the petitioner as well as the 4th respondent, and pass



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orders on merits and in accordance with law, within a period of 6 weeks from the date of receipt of a copy of this order. Accordingly, this

Writ Petition is disposed of. No costs.

02.01.2025

Index: Yes/No

Speaking order/non-speaking order

Neutral Citation: Yes/No

srn

To,

- 1 The District Collector,
Kallakurichi,
Kallakurichi District.
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Kallakurichi,
Kallakurichi District.
- 3 The Tahsildar,
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P.T.ASHA, J.,

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