

W.P.No.2816 of 2020
and
W.M.P.No.3260 of 2020

N.KIRUBAKARAN, J.
and
R.PONGIAPPAN, J.

(Order of the Court was made by **N.KIRUBAKARAN,J.**)

The present Writ Petition has been filed seeking for issuance of Writ of Mandamus, directing the first respondent to expeditiously complete the enquiry against the fifth respondent based on the complaint given by the petitioner herein under Section 35 of the Advocates Act, 1961 and submit a report before this Court within a time frame fixed by this Court.

2.The petitioner would contend that the property is comprised in S.No.1293/1 and Natham No.263A at Marchanayakkanpalayam Village, Anaimalai, Pollachi Taluk, Coimbatore District. According to the petitioner, it is a Natham Poramboke and when the sixth respondent tried to put up a construction, the Sub-Collector, Pollachi District had passed an order dated 25.01.2018 prohibiting any construction, thereafter in the said property.

3. Since the construction was prohibited by the Sub-Collector, Pollachi, the sixth respondent filed a suit in O.S.No.27 of 2018, before the learned III Additional District Court, Coimbatore, making only the Government officials as defendants in the Suit, seeking to pass a decree declaring that the plaintiff therein is the absolute owner of the suit property and consequential relief of permanent injunction restraining the defendants, their men and officials from in any way interfering with the plaintiff's peaceful possession and enjoyment of the suit property in any manner either by dispossession or otherwise and declaring that the impugned notice issued by the second defendant in Na.Ka.No.2880/2017/M-1 dated 10.01.2018 is null and void and inoperative and directing the defendants to pay the cost of the suit.

4. Though the allegations have been made against the petitioner in Paragraphs No.6 and 7, surprisingly, he has not been made as a party in the suit which compelled the petitioner to file an impleading petition to implead himself in the suit. However, the impleading petition was dismissed by the learned Trial Judge. Though official respondents 1 to 3

have been served and the learned Government Pleader entered appearance on behalf of the respondents 1 to 3, the records produced before this Court would show that in spite of many opportunities given to the official respondents from 14.03.2018 to 24.09.2019, no written statement came to be filed and therefore, the official respondents were set ex-parte in the suit.

5.It is further evident that on 18.10.2019, the case was posted for exparte evidence and the same was adjourned to 31.10.2019 and the exparte evidence was taken on 25.11.2019. Thereafter, the matter was posted for Judgement on 10.12.2019 and again adjourned to 06.01.2020, 10.01.2020 and finally on 10.02.2020.

6.Though this Court is not inclined to go into the issue with regard to the dispute regarding the title of the property, the facts would reveal that the Government Pleader's conduct is suspicious. It seems that he has colluded with the sixth respondent as a result of which written statement has not been filed. Since the Sub-collector, Pollachi passed an order prohibiting the sixth respondent from putting up any construction as it is

a Natham Poramboke land, the officials should have given correct details by way of a written statement. However, no written statement has been filed. Hence, there is a reason to believe that there is a collusion between the fifth and sixth respondent and the officials.

7. In view of the aforesaid reasons, if the Judgement is allowed to be pronounced, definitely, valuable property of the Government will be knocked away. Therefore, there shall be an order of interim stay of all further proceedings until further orders. Mr.C.K.Chandrasekaran, learned Counsel takes notice on behalf of the first respondent. Mr.T.M.Pappaiah, learned Special Government Pleader takes notice on behalf of the respondents 2 to 5. Notice to fifth and sixth respondents returnable in three weeks. Private notice including e-mail, courier and whatsapp is also permitted.

8. This Court is of the view that this case is only the tip of the iceberg. There are many Government properties and poramboke lands being knocked away by private parties viz., land grabbers by using political influence, money power, muscle power and in collusion with the

Government officials. The value of the lands have now gone up and therefore, the lands have to be preserved for public purposes. Otherwise, the land grabbers will swallow the properties and unjustly enrich themselves. Therefore, this Court, Suo Motu impleads,

*"(1).The Government of Tamil Nadu,
Rep. by its Secretary,
Municipal Administration and Water Supply Department,
Fort St.George, Chennai*

*(2).The Government of Tamil Nadu,
Rep. by its Secretary,
Revenue Department,
Fort St.George, Chennai*

*(3).The Government of Tamil Nadu,
Rep. by its Secretary,
Commercial Taxes and Registration Department,
Fort St.George, Chennai*

as party respondents.

9.Mr.T.M.Pappaiah, learned Special Government Pleader takes notice on behalf of the newly impleaded respondents and the newly impleaded respondents shall answer the following queries in the next hearing:

(i).How many acres of Government/Poramboke lands are available?

(District wise details)

(ii).What is the extent of the properties which have been encroached upon? (District wise details)

(iii).How many proceedings have been initiated to retrieve those properties?

(iv).How many proceedings are pending before various Courts with regard to encroachment or illegal occupation of Government lands/ Poramboke lands and what is the stage of those proceedings?

(v).How many cases have been left undefended by the Government Pleaders in various Courts throughout Tamil Nadu?

(vi).What are all the actions taken against those Government Pleaders as well as the Government Officials for not defending the cases to protect the public/Government/Poramboke properties?

(vii).Why not the Government form a separate wing to identify the encroached public/Government/Poramboke properties and initiate proceedings to retrieve them and protect the available properties by fencing them?

(viii).Why not the Government upload the details of public/Government/Poramboke properties in the website, so that everybody get to know the details of such properties?

(ix).Whether the Government has given the details of public/Government/Poramboke properties to the concerned district registration office to prohibit the Sub-Registrars from registering any document concerning such properties?

(x).If it is not so, why not the Government give the details of public/Government/Poramboke properties to the concerned district registration office?

10. Post the matter after three weeks.

(N.K.K.,J.) (R.P.A.,J.)

06.02.2020

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Dated : 06.02.2020