

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 2.9.2015

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.30618 of 2012

M/S.VINSOR BLUE METALS

[ PETITIONER ]

REP. BY ITS PROPRIETOR

J.ALWIN S.NO.144/1

PAMMAL, ALANDUR TALUK, CHENNAI

Vs

1 THE TAHSILDHAR  
ALANDUR TALUK, ALANDUR  
CHENNAI

2 THE REVENUE INSPECTOR  
ALANDUR TALUK, ALANDUR  
CHENNAI

3 THE INSPECTOR OF POLICE  
SHANKAR NAGAR POLICE STATION  
PAMMAL, CHENNAI-75

[ RESPONDENTS ]

This writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus forbearing the respondents or their mens, agents or servants from in any way interfering with the peaceful possession and enjoyment of the property situated at S.No.144/1, Pammal Village, Chennai-75, to an extent of 50 cents except due process of law.

For petitioner : Mr.N.Umapathi

For respondents : Mr.R.Ravichandran  
AGP

O R D E R

Heard the learned counsels appearing for the parties concerned.

2. This writ petition has been filed praying that this Court may be pleased to issue a writ of Mandamus to forbear the respondents and their men and agents from in any way interfering with the peaceful possession and enjoyment of the property situated at S.No.144/1,

Pammal Village, Chennai, to an extent of 50 cents, except by due process of law.

3. The petitioner has stated that he is involved in the business of crushing of stones with the aid of crushers. He had stored blue metals and other items of machineries, in S.No.144/1, Pammal Village, Saidapet, Chennai.

4. It has also been stated that the petitioner has obtained the certificate from the Tahsildar, Saidapet, Chennai, dated 20.11.1990, to show that he is in possession and enjoyment of the land measuring 20 cents, comprised in S.No.144/1, Pammal Village, Saidapet, Chennai. The land is classified as dry, unassessed waste poromboke land. The Tahsildar concerned had also stated that there is no objection for giving an electricity connection to the crushing unit erected by the petitioner in the land in question. The petitioner is paying kists for the said land, regularly. He had also obtained the necessary permission from the Tamil Nadu Pollution Control Board for running the crushing unit and the said permission is being renewed, periodically.

5. It has also been stated that the petitioner had obtained the licence from the Assistant Director of the Industries, Chennai, on 2.11.2012. The portion of the land adjacent to S.No.144/1 is also in the enjoyment of the petitioner by way of the power of attorney obtained from one Marybai, dated 21.7.2006. However, the respondents had taken action against the petitioner. The respondents had entered into the land in the occupation of the petitioner by demolishing the metal gate, without issuing any notice to the petitioner. Thereafter, the petitioner had sent several representations to the respondents asking them to permit the petitioner to continue his business in the land in question. However, there has been no response from the respondents, till date. In such circumstances, the petitioner has preferred the present writ petition before this Court, under Article 226 of the Constitution of India.

6. A counter affidavit has been filed on behalf of the first respondent stating that the land in S.No.144/1, Pammal Village, Chennai, measuring 25.37.5 hectare, is classified as unassessed waste (hill) in the revenue records. When the quarrying activities were at its peak, certain persons were permitted to establish the crushing units in the land in question. The crushing units had been established in the land belonging to the Government. While so, the petitioner had encroached upon the adjacent land by obtaining a power of attorney from the previous encroacher. Thereafter, when certain dwelling units had been put up in the nearby areas, the Government had felt that the continuance of the quarrying activities would pose a danger to the residents of the area concerned. Therefore, the quarrying activities had to be closed down and the owners of the crushing units had been asked to remove their

machineries from the quarry site encroached upon by them. As such, the petitioner had also been asked to remove his machineries from the land belonging to the Government. Thereafter, the materials, which were in the land in question, had been cleared by the local municipality, during the year, 2012.

7. It has also been stated that a part of the land in survey No.144/1 had been alienated for the construction of the Sub Registrar office in Pammal village. The Collector, Kancheepuram District, in his proceedings, in R.C.No.19098/12/N2, dated 23.3.2013, had passed the orders for the transfer of the land to the Department of Registration. The land in question had also been handed over to the Sub Registrar, Pammal, on 8.11.2013, as vacant land. In such circumstances, it is not open to the petitioner to seek the reliefs, as prayed for in the present writ petition, at this stage.

8. In view of the submissions made by the learned counsels appearing on behalf of the parties concerned, this Court is of the considered view that the petitioner has not shown sufficient cause or reason to grant the relief, as prayed for in the writ petition. Even though the petitioner has claimed that he has been issued a licence, in S.No.144/1, to crush blue metals, by the Department of Industries and Commerce, nothing has been shown by the petitioner, before this Court, to substantiate his claim. Further, the Department of Industries and Commerce has also not been added as a party in the present writ petition. On the other hand, the respondents had contended that no such licence, as claimed by the petitioner, has been issued by the Department of Industries and Commerce, Government of Tamil Nadu, in favour of the petitioner. According to the respondents, the crushing unit and the other items belonging to the petitioner had been removed by the respondents, during the year, 2012. It has also been stated that a portion of the land in S.No.144/1, Pammal Village, Chennai, had been allocated for the construction of the Sub Registrar office, Pammal. The said land had also been handed over to the District Collector, Kancheepuram, for the construction of the Sub Registrar office. In such circumstances, this Court finds it appropriate to dismiss the writ petition, as it is devoid of merits. Hence, the writ petition stands dismissed. However, it goes without saying that it would be open to the petitioner to seek his remedies, if any, before the appropriate forum, in the manner known to law. No costs. Connected M.P.No.1 of 2012 is closed.

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s/d-  
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To:

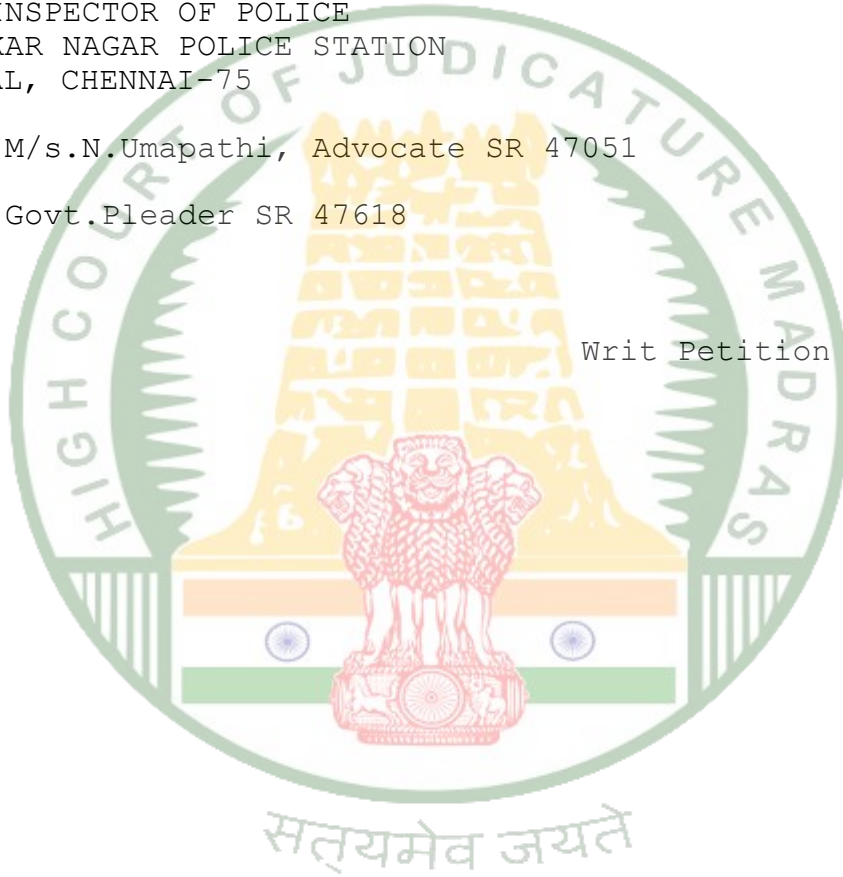
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+ 1 cc to M/s.N.Umapathi, Advocate SR 47051

+ 1 cc to Govt.Pleader SR 47618

svi(co)  
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