

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.11.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

Writ Petition Nos.30877 & 30759 of 2015
& M.P.Nos.1 & 1 of 2015

W.P.No.30877 of 2015 :

B.Kumar
Rep.by Power Agent T.K.Ramachandran

.. PETITIONER

Vs

- 1 The President
Thirukandalam Village Panchayat,
Uthukottai Taluk, Tiruvallur District
- 2 The Thasildar
Uthukottai Taluk, Tiruvallur District
- 3 The District Collector
Office of the District Collectorate
Thiruvallur 602 001.

...RESPONDENTS

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus forbearing the respondents from in any manner entering into the property Land extent of 94 cents out of 1.15 acres situate in Grama Natham S. No. 312 Old S. No. 256/6 in Madavilagam Village Uthukottai Taluk Thiruvallur District.

For Petitioner in : Mr.Rajendrakumar
for M/s. Norton & Grant

For respondent-1 : Mr. S.Pattabiraman,
Government Advocate

For respondents 2 & 3 : Mr.S.V.Duraisolaimalai,
Additional Government Pleader

W.P.No.30759 of 2015 :

K.Deviga

... PETITIONER

Vs

1. The District Collector
District Collectorate,
Thiruvallur District
2. The Block Development
Officer Ellapuram Panchayat Union
Periyapalayam Uthukkottai Taluk
Thiruvallur District
3. The President
Thirukkandalam Village Panchayat
Uthukkottai Taluk,
Thiruvallur District

... RESPONDENTS

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus forbearing the respondents their men agents or anybody acting through them from in any manner dispossessing and interfering with petitioners possession of a house site measuring an extent of 730 square meter or 7858 square feet (out of total extent of 0.46.5 ares)classified as Gramanatham comprised in Old Survey No. 256/6 and New Survey No. 312 and situated at No.95 Madavilagam Thirukkandalam village Uthukkottai Taluk Thiruvallur District more fully described in this writ petition.

For Petitioner : Mr.V.Raghavachari for Mr.R.Veeramani

For respondent-1 : Mr.S.V.Duraisolaimalai,

Additional Government Pleader

For respondents 2 & 3 : Mr.R.Rajendra Narasimhan

COMMON ORDER

The issue involved in these writ petitions is one and the same and hence, they were taken up together and disposed of by a common order. These two writ petitions have been filed by the petitioners on the sole ground that the property being classified as Grama Natham, the respondents do not have any title and therefore, no construction can go on especially, when the petitioners are in possession and enjoyment of the property. In both these cases the petitioners have relied upon the settlement deeds of the year 2002 and 2012 respectively.

2. Learned counsel appearing for the petitioners submitted that even assuming that the property has been classified as Grama Natham, the respondents cannot treat it as Government property and proceed with the construction.

3. Learned Additional Government Pleader for the respondent would submit that the factum of possession in favour of the petitioners is disputed. The law relating to Gramam Natham will be applicable to the house sites and not for a larger extent, as in this case however, the respondents have already started putting up construction and therefore, no interference is required.

4. The question as to whether the petitioners are in possession or not and the legal and factual possession upon which they claim right for the same are to be decided by jurisdictional Civil Court. In this case, while the petitioners claim possession the respondents deny the same. Even in the decision relied upon by the learned counsel for the petitioner in State of Tamil Nadu rep. by the Collector, Virudhanagar vs. Madasami reported in 2012(2)CTC 315 the dispute is emanated from the jurisdictional Civil Court.

5. Accordingly, these two writ petitions are disposed of, giving liberty to the petitioners to work out their remedies before the jurisdictional Civil Court if so advised, within a period of eight weeks, from the date of receipt of a copy of this order. Taking into consideration, the facts and circumstances of the case, both the parties are directed to maintain status quo as on today. Consequently, connected miscellaneous petitions are also closed.
Smi

Sd/-
Assistant Registrar (IV)

/True Copy/

सत्यमेव जयते

Sub-Assistant Registrar

To

1. The District Collector
District Collectorate,
Thiruvallur District
2. The Block Development
Officer Ellapuram Panchayat Union
Periyapalayam Uthukkottai Taluk
Thiruvallur District

3. The President
Thirukkandalam Village Panchayat
Uthukkottai Taluk,
Thiruvallur District.

4. The Thasildar,
Uthukkottai Taluk,
Thiruvallur District

+2C.Cs to Government Pleader in SR.NO.63730, 63729

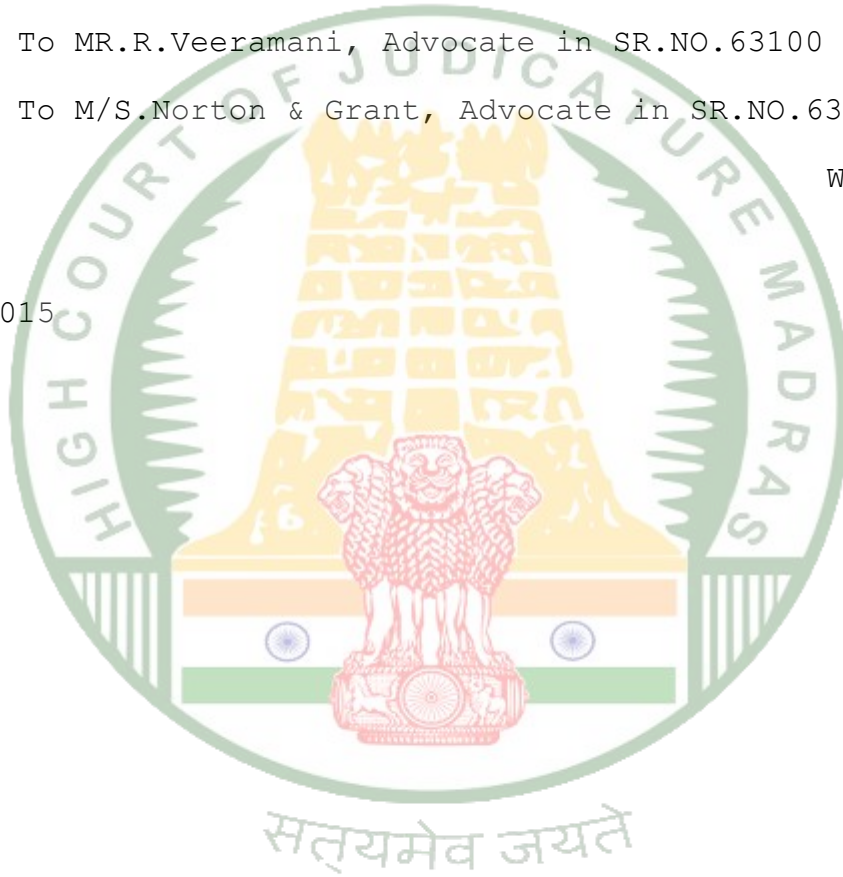
+1C.C. To S.Pattabiram, Advocate in SR.NO.63099

+1 C.C. To MR.R.Veeramani, Advocate in SR.NO.63100

+1 C.C. To M/S.Norton & Grant, Advocate in SR.NO.63128

W.P.Nos.30877 &
30759 of 2015

NM(CO)
sd : 14/12/2015



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