

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16..03..2015

CORAM:

THE HONOURABLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

W.P.No.7274 of 2015

B.N.Ravi

...Petitioner

versus

1.The District Collector
Kancheepuram District

2.The Tahsildar
Kancheepuram Taluk
Kancheepuram.

3.The Superintendent of Police
Kancheepuram District
Kancheepuram.

4.The Inspector of Police
Baluchetty Chathiram Police
Baluchetty Chathiram,
Kancheepuram Taluk and District

5.Suganthi @ Jeevarathinam

...Respondents

Petition filed under Article 226 of the Constitution of India praying for the issue of a writ of Mandamus, directing the respondents 1 to 4 to take appropriate steps for protecting the public land in Old S.No.109/21 Part, New S.No.588/13 which is classified as "KULAM" situated at Thiruppukuzhi Village, Baluchettychathiram, Kancheepuram Taluk and District.

For Petitioner : No appearance

For Respondents : Mr. S.T.S.Moorthy,
Government Pleader for R.1 to R.4

O R D E R

(The Order of the Court was made by The Hon'ble The Chief Justice)

The grievance of the petitioner is that the land in New S.No.588/13 corresponding to Old S.No.109/21 Part, is classified as pond in the Revenue Records, while the 5th respondent is endeavouring to close the pond by filling sand using bull-dozer and poclein. The basis for the same on enquiry is stated to be a decree in O.S.No.190 of 1978 passed on 04.07.2014 by the Sub Court, Kancheepuram. There appears to be a decree granted in favour of the 5th respondent and pattas issued under Section 11 r/w Section 8(1) of the Enam Abolition Act.

2. In view of the Civil Court decree, it is not possible to entertain the Public Interest Litigation on the rival claims. However, since the allegation is that the area is a pond, even if it is privately owned, the change of land user would be permissible only with the authorisation of the authorities concerned.

3. In view of all the aforesaid facts and circumstances, we can only direct the representation of the petitioner dated 16.02.2015, to be disposed of by the first respondent or by his nominee in accordance with law, within a maximum period of one month from the receipt of this order, making it clear that we are not taking a view one way or the other.

4. The order should be a reasoned one after notice to all concerned.

5. The writ petition accordingly stands disposed of. No costs. Consequently M.P.No.1 of 2015 is closed.

सत्यमेव जयते
Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

ksr

Copy To

1.The District Collector
Kancheepuram District

2.The Tahsildar
Kancheepuram Taluk
Kancheepuram.

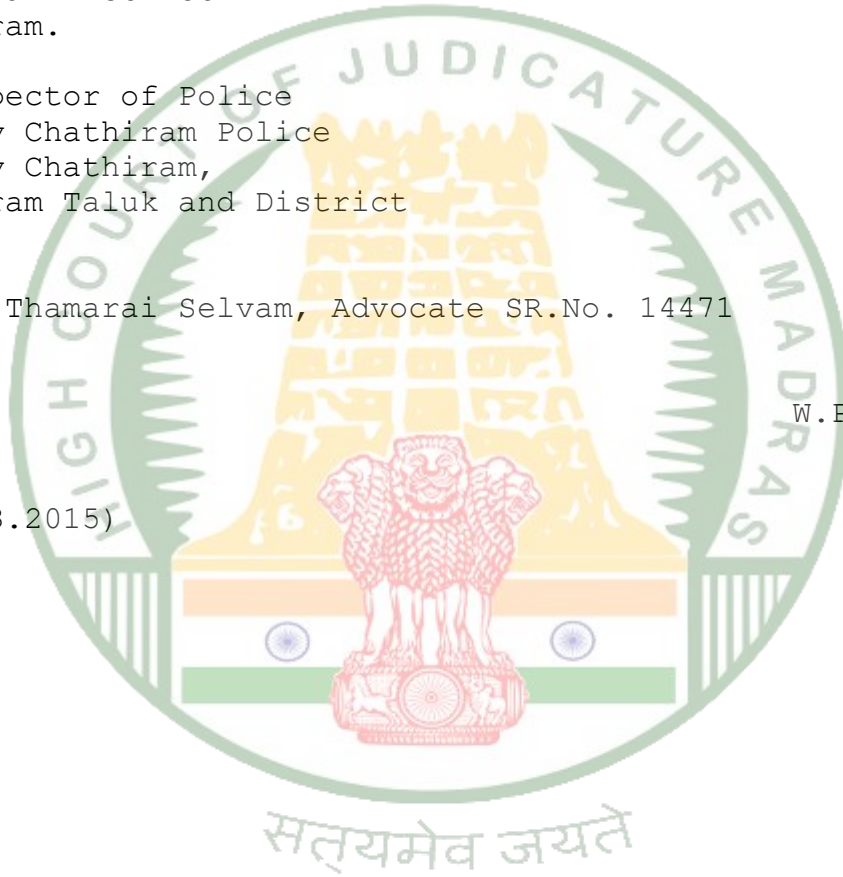
3.The Superintendent of Police
Kancheepuram District
Kancheepuram.

4.The Inspector of Police
Baluchetty Chathiram Police
Baluchetty Chathiram,
Kancheepuram Taluk and District

1 CC to R.Thamarai Selvam, Advocate SR.No. 14471

W.P.No.7274 of 2015

CTK (CO)
PSI (25.03.2015)



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