

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.39079 of 2003

in

W.P.M.P.No.47352 of 2003

Sashikala Ananth

... Petitioner

Vs.

1. The Kottivakkam Panchayat,  
Rep. By its President,  
East Coast Road, Chennai.

2. The Block Development Officer,  
Tambaram Zone and Taluk,  
Kancheepuram.

3. The District Collector,  
Kancheepuram District.  
Kancheepuram.

4. The Sub Inspector of Police,  
Neelankarai Police Station,  
Neelankarai.

5. A.Saravanan  
(R5-impleaded as per the order of this Court  
dated 10.03.2015 in WP.MP.No.23/15 in W.P.No.39079/13)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue writ of mandamus to forbear the respondents, their men, agents or servants from in any way interfering with the petitioner's possession and enjoyment of the property in field No.246, Kottivakkam Village, Village No.141, East Coast Road, Chennai, measuring approximately 1.20 acres.

For Petitioner : Mr.P.V.S.Gridhar  
for M/s.P.V.S.Giridhar Associates

For R1 : Mr.R.Chandrasekaran  
For R2 : No Appearance  
For R3 & R4 : Mr.K.V.Dhanapalan, AGP  
For R5 : Mr.R.Achuthan

#### ORDER

The petitioner has filed the present writ petition seeking for issuance of a writ of mandamus to forbear the respondents, their men, agents or servants, from in any way interfering with his peaceful possession and enjoyment of the property bearing S.F.No.246, Kottivakkam Village, Village No.141, East Coast Road, Chennai, measuring approximately 1.20 acres.

2. During the pendency of the writ petition, one Mr.A.Saravanan has filed W.P.M.P.No.23 of 2015 seeking to implead him as one of the respondents in the above said writ petition, on the ground that he has purchased the land in question covered in S.F.No.246 from the petitioner and one Mrs.Maya Chandrasekar and to that effect, he was also issued with a patta by the Zone Deputy Tahsildar, Solinganallur.

3. It is stated by the learned Additional Government Pleader that the land in question is a peramboku land of the Government, therefore, the petitioner and the impleading applicant will have to work out their remedy before the competent Civil Court.

4. It is stated by the learned counsel for the petitioner that, without issuing notice to the petitioner as per the procedure contemplated under the provisions of the Tamil Nadu Land Encroachment Act (in short "Act") the respondents cannot enter into the petitioner's suit land.

5. Though the learned Additional Government Pleader stated that a notice has already been issued under Section 7 of the Act to the petitioner as well as to the impleading applicant, a mere perusal of the notice annexed in the impleading application shows that neither the petitioner nor the impleading applicant has been issued with a notice. Therefore, since the question of title with the regard to the land in question covered in S.F.No.246 has to be gone

into by the competent Civil Court to find out as to who is the reason real owner of such land, the writ petition is disposed of with liberty to the parties to work out their remedy before the competent Civil Court. The respondents 3 and 4 are at liberty to proceed in accordance with law after giving notice to the aggrieved parties. No Costs. Consequently, connected WP.MP.No.47352/03 is closed.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The President,  
The Kottivakkam Panchayat,  
East Coast Road, Chennai.
2. The Block Development Officer,  
Tambaram Zone and Taluk,  
Kancheepuram.
3. The District Collector,  
Kancheepuram District.  
Kancheepuram.
4. The Sub Inspector of Police,  
Neelankarai Police Station,  
Neelankarai.

+1cc to Mr.R.Achuthan, Advocate, S.R.No.13470

+1cc to M/s.Giridhar & Sai Associates, Advocate, S.R.No.14036

W.P.No.39079 of 2003

NM(CO)  
CA(31/03/2015)

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