

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.08.2016

Coram:

THE HONOURABLE MR.JUSTICE M.JAICHANDREN

W.P.No.30880 of 2015

and

M.P.No.1 of 2015

Pudhupakkam Village Panchayat
Rep. by its President B.ShankarPetitioner

Vs.

1.The Principal Secretary
Rural Development Department
Fort St. George
Chennai-600 009.
2.The District Collector
Kancheepuram District
Kancheepuram.
3.The Block Development Officer (Village Panchayat)
Thiruporur Union'
Kancheepuram District
4.The Member Secretary (Incharge)
Mahabalipuram Local Planning Authority
No.13, Varadarajan Street
Vedachalam Nagar
Chengalpet-1.
5.The President
Kelambakkam Village Panchayat
Kelambakkam
Kancheepuram District.
6.The Tahsildar
Thiruporur Taluk
Thiruporur.Respondents

Prayer : This writ petition has been filed to issue a Writ of Mandamus directing the respondents 1 and 2 to conduct necessary inspection with Revenue Records and resolve the Territorial ownership dispute between Pudhupakkam Village Panchayat and Kelambakkam Village Panchayat, Thiruporur Union, Kancheepuram District based on the petitioner's representation, dated 17.7.2015 within the time frame to be stipulated by this Court.

For Petitioner : M/s.R. Bharath Kumar
For Respondents
No.3 & 4 : Mr.V. Jayaprakash Narayanan
Special Government Pleader.
For Respondent
No.5 : Ms.S.Deepika
For Respondents
Nos.1,2&6 : Mr.P.Karthikeyan,
Government Pleader.

O R D E R

Heard the learned counsel, appearing on behalf of the petitioner, as well as the learned counsels, appearing for the respondents.

2.This writ petition has been filed, praying that this Court may be pleased to issue a Writ of Mandamus, directing the respondents 1 and 2, to conduct necessary inspection with the revenue records and to resolve the territorial dispute between Pudhupakkam Village Panchayat and Kelambakkam Village Panchayat, Thiruporur Union, Kancheepuram District, based on the petitioner's representation, dated 17.7.2015, within the time limit, as may be fixed by this Court.

3.It has been stated that Pudupakkam Village is situated in Thiruporur Taluk, Kancheepuram District, comprised in Survey Nos.1 to 335, with a total extent of 1022.49.5 hectares. The land tax and surcharges are collected from the land owners and they are credited into the account of Pudupakkam Village Panchayat.

4.While so, a dispute had arisen between Pudupakkam Village Panchayat, the petitioner herein, and Kelambakkam Village Panchayat with regard to the collection of property tax, in respect of the building owned by Magarajothi Trust and Sri Ramrajya Trust, situated in Survey Nos.276, 277, 278, 288 and 286 of Pudupakkam Village Panchayat.

5.In such circumstances, the President of Pudupakkam Panchayat, had filed a writ petition, before this Court, against the District Collector, Kancheepuram District, in W.P.No.43059 of 2002, praying for a direction, directing the Kelampakkam Village Panchayat not to collect the property tax from the above mentioned Trusts.

6.Pursuant to the order passed by this Court, on 2.12.2002, the Assistant Director of Rural Development, Kancheepuram had conducted an enquiry and had passed an order, dated 8.10.2003, stating that Pudupakkam Village Panchayat was entitled to collect the property tax, from the above mentioned Trusts, in respect of the buildings, situated in Survey Nos.276, 277, 278, 280 and 286 of Pudupakkam Village Panchayat.

7.It has also been stated that, as per the Updating Registry Scheme (Supplementing survey), the order in G.O.Ms.No.869/CT & RI, dated 30.9.1985, and as per the Notification issued under Section 5 of the Tamil Nadu Survey and Boundaries Act VIII of 1923, the lands comprised in Survey Nos.1 to 335 are belonging to Pudupakkam Village Panchayat.

8.In such circumstances, the third respondent had passed an order, dated 13.10.2008, directing Kelambakkam Village Panchayat, to remit the property tax collected from the Magarajothi Trust to the Pudupakkam Village Panchayat.

9.This Court, by an order, dated 23.11.2009, made in W.P.No.28480 of 2008, had issued a direction to the authorities concerned, to conduct an inspection with the help of the revenue records so as to direct the parties to pay the dues to the proper panchayat.

10.A direction was also issued to the Secretary to Government, Rural Development Department, Fort St. George, Chennai, to pass appropriate orders, after considering the claim of the petitioner, as well as that of the fourth respondent.

11.After the inspection was conducted by the District Collector, Kancheepuram, and a report having been filed thereon, no further action has been taken by the District Collector, Kancheepuram, to resolve the territorial dispute between Pudupakkam Village Panchayat and Kelambakkam Village Panchayat.

12.While so, M/s. Shoba Developers Limited, which is the owner of the land, comprised in Survey No.29/8, situated in Pudupakkam Village, which comes under the jurisdiction of Pudupakkam Village Panchayat, Kancheepuram District, had obtained necessary planning permission and had also executed a gift deed in favour of the petitioner, for public purpose.

13.M/s.Shoba Developers Limited had remitted a sum of Rs.10,00,000/- towards the charges, for the plan sanction, to the petitioner, on 13.7.2012. While so, by a communication, dated 10.4.2014, the 5th respondent Panchayat had requested the fourth respondent to instruct the Pudupakkam Village Panchayat to remit the development charges, collected from M/s.Shoba Developers Limited, in respect of the land in question which comes under the jurisdiction of Kelambakkam Village Panchayat.

14.While so, the fifth respondent had issued a letter,

dated 23.4.2015, asking the petitioner to pay the amount to the fifth respondent Panchayat. The fourth respondent has also issued a similar communication, dated 15.7.2015.

15. In such circumstances, the petitioner had sent a detailed representation to the District Collector, on 17.7.2015, requesting him to resolve the border dispute between the petitioner Panchayat and Kelambakkam Village Panchayat.

16. At this juncture, a communication, dated 24.8.2015 had been issued, by the fifth respondent, threatening to seal the premises belonging to M/s. Shoba Developers Limited. Therefore, the petitioner has preferred the present writ petition, before this Court, praying that this Court may be pleased to resolve the territorial dispute between the petitioner Panchayat and Kelambakkam Village Panchayat.

17. In view of the averments made in the affidavit filed in support of the petition and based on the submissions made by the learned counsels, on behalf of the parties concerned, this Court finds it appropriate to direct the first respondent to resolve the territorial dispute between Pudupakkam Village Panchayat and the petitioner herein.

18. Accordingly, the first respondent is directed to resolve the dispute between Pudupakkam Village Panchayat, the petitioner herein, and Kelambakkam Village Panchayat, in respect of the lands in dispute, after obtaining the necessary report from the District Collector, Kancheepuram District, as per the directions issued by this Court, by its order, dated 23.11.2009, made in W.P.No.28480 of 2008, after giving an opportunity of hearing to the petitioner Panchayat and Kelambakkam Village Panchayat. The said exercise shall be completed, within a period of twelve weeks from the date of receipt of a copy of this order.

The writ petition is disposed of with the above directions. No costs. Consequently, connected M.P. is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1. The Principal Secretary
<https://hcservices.ecourts.gov.in/hcservices/>

Rural Development Department
Fort St. George
Chennai-600 009.

2.The District Collector
Kancheepuram District
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5.The President
Kelambakkam Village Panchayat
Kelambakkam
Kancheepuram District.

6. Tha Tahsildar,
Thiruporur Tluk,
Thiruporur.

1 cc to Mr.V.Jayaprakash Narayanan, Spl.GP, sr.44998
1 cc to Mr.R.Bharathkumar, Advocate, sr.44986
1 cc to Government Pleader, sr.45215

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kra 31.08.2016

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