

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2016

CORAM :

THE HONOURABLE MR. JUSTICE T.S. SIVAGNANAM

W.P.Nos.24124 to 24128 of 2009
&
connected M.Ps.

Govindachari Petitioner in W.P.No.24124/2009
S.Natarajan Petitioner in W.P.No.24125/2009
V.Ranganathan Petitioner in W.P.No.24126/2009
S.Muniammal Petitioner in W.P.No.24127/2009
S.Malliga Petitioner in W.P.No.24128/2009

Vs

1. Tindivanam Municipality
rep. by its Commissioner
Tindivanam 604 001.

2. The District Collector,
Villupuram District

[R2 is suo motu impleaded in all these Writ Petitions
as per the order of this Court dt 17.02.2016 made
in W.P.Nos.24124 to 24128 of 2009]

... Respondents in all W.Ps.

COMMON Prayer : Writ Petitions filed under Article 226 of the
Constitution of India, praying for issuance of Writ of
Certiorari to call for the records of the respondent relating to
the Notice dated 10.11.2009 and quash the same.

For Petitioners : Mr.R.Subramanian
(in all WPs)

For Respondents : Mr.V.Vinothkumar
(in all WPs)

C O M M O N O R D E R

In all these Writ Petitions, the petitioners have been issued notices by the respondent Municipality stating that they are encroachers of land which has been classified as a Bus Stand.

2.The petitioners would contend that the land has been classified as a 'Natham land' and in that regard, the learned counsel for the petitioners has drawn the attention of this Court to the 'Descriptive Memior of Avaraippakkam Village of the Tindivanam Taluk of the South Arcot District' and submitted that the lands were initially classified as 'Thoppu'. Subsequently, the lands have been re-classified as 'Natham' and sub-divided, the said re-classification is said to have been approved on 16.08.1969. Therefore, the learned counsel submits that the lands could not have been classified as a Bus Stand, as this Court in several decisions has held that the land classified as 'Natham' cannot be re-classified, since the Government will have no vested right with the said lands.

3.There can be no dispute about the legal proposition. However, the respondent in their counter affidavits, filed along with the Vacate Stay Petitions, accepts that the land has been initially classified as Grama Natham land, but, subsequently, re-classified as Bus Stand.

4.Conspicuously, the date of such re-classification has not been mentioned in the counter affidavit. It is not known as to why the Commissioner of Municipality has refused to disclose the date on which the re-classification was done. Since the dispute has arisen as regards the classification of the property in question, this Court is of the view that in a Writ Petition, the same cannot be adjudicated and it has to be necessarily adjudicated by the competent Revenue Authority.

5.Accordingly, to give an effective direction, the District Collector, Villupuram District is suo motu impleaded as the second respondent in all these Writ Petitions.

6.In view of the above discussions, the first respondent is directed submit a representation to the District Collector, setting out full facts and enclosing all the relevant records which they rely upon to establish their contentions that the land in question is classified as Bus Stand. On receipt of the representation, the District Collector either by himself or by any other Officer nominated by him, shall issue notice to the writ petitioners, call upon them to submit their objections and after affording an opportunity of hearing to the parties, take a

final decision as regards the classification of the lands. The District Collector or the Officer so nominated by him shall call for all the relevant records, so that a clear picture emerges as regards the classification of the property. The above exercise shall be completed within a period of three months from the date on which the respondent Municipality approaches the District Collector by way of a representation. Till final orders are passed by the District Collector, the impugned proceedings shall not be given effect to and shall be kept in abeyance.

The Writ Petitions are disposed of accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rpa

To

1. The Commissioner
Tindivanam Municipality
Tindivanam 604 001.
2. The District Collector,
Villupuram District

W.P.Nos.24124 to 24128 of 2009

KK(CO)
CA(18/03/2016)

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