

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.24208 of 2016 & WMP.No.20683 of 2016

Misrimal Navajee Munoth Jain
Engineering College, rep.by the
Secretary Harish L.Mehtha, Guru
Marudhar Kesari Building, Rajiv
Gandhi Salai, Jyothi Nagar,
Okkiam Thoraipakkam, Chennai-97.

...Petitioner in WP.24208/2016

1.Raghunandana
2.Mrs.Vasanthalakshmi

...Petitioners in WP.24971/2016

Versus

1. The Secretary to the Government,
State of Tamil Nadu, Revenue
Department, Fort St George,
Chennai-9.

2. The Commissioner Land Administration
Land Administration Department,
Chepauk, Chennai-5.

3. The District Collector
Kancheepuram District.

4. The Tahsildar,
Sholinganallur.

...Respondents in both WPs.

Prayer in WP.No.24208/2016: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the respondents to permit the petitioner to use the land situated in S.No.405/8B which is bounded on North by:S.No.406, South by:S.No.405/8B, East By.S.No.430 and West by :405/8A, 405/8A2A, 405/8A2B and S.No.430 bounded on North by S.No.435, South by S.No.430/1 East by S.No.430 and West by 405/8A, 405/8A2A and 405/8A2B, Okkiam Thoraipakkam village, Sholinganallur Taluk, Kancheepuram District on long term lease and consequently direct the respondents not to interfere with the possession of the petitioner in the above mentioned land.

For Petitioners : Mrs.Selvi George

For Respondents : Mr.R.Govindasamy,
Special Government Pleader

COMMON ORDER

By consent, the writ petitions are taken up for final disposal.

2. The petitioner in the capacity as the Secretary [Administration] of the Engineering College, would state that the said College has been established by the Tamil Nadu Educational and Medical Trust [TEAM Trust] and adjacent to the College, lands in S.Nos.405/8B and 430 are situated which are classified as "Government Poramboke lands" and the petitioner College is safeguarding the said lands from the outsiders' encroachment and the said lands are being maintained by the petitioner College without any structures. It is further stated by the petitioner that the lands in S.No.405/8B is a Cart Track and S.No.430 is a vacant land and both the lands are used by the said College for educational purposes only and the Collector of Kancheepuram District, vide proposal dated 31.12.2013 in Na.Ka.No.41649/2013/N2, addressed to the Principal Secretary and Commissioner, Land Administration, Chepauk, Chennai-5, has also made a positive recommendation, for grant of lease of the said lands in favour of the petitioner / College, subject to the payment of prescribed lease amount and despite pendency of the proposal, the 4th respondent is taking emergent action to dispossess the petitioner without due course to law and hence, the petitioner is constrained to approach this Court by filing these writ petitions.

3. The Court heard the submissions of Mrs.Selvi George, learned counsel for the petitioner, who would submit that the petitioner undertakes not to put up any permanent structure on the lands in question and whatever be the lease amount fixed by the Commissioner, Land Administration, it is willing to pay and since it is under the genuine impression that as to the dispossession at the hands of the 4th respondent, it is constrained to file this writ petition and prays for appropriate orders.

4. Per contra, Mr.R.Govindasamy, learned Special Government Pleader appearing for the respondents, on instructions, would submit that the jurisdictional Village Administration Officer has conducted a survey/inspection and

made a recommendation as to the encroachment made by the petitioner / College in respect of the above said lands and appropriate action in accordance with the provisions of the Tamil Nadu Land Encroachment Act, 1905, [Tamil Nadu Act 3 of 1905] will be taken and therefore, the apprehension expressed by the petitioner is wholly unfounded and prays for dismissal.

5. This Court heard the rival submissions and perused the materials placed before it.

6. Though the petitioner in WP.No.224208/2016 has prayed for a larger relief, this Court in the light of the facts and circumstances and without going into the merits of the same, directs the 2nd respondent to act on the proposal of the 1st respondent dated 31.12.2013 in Na.Ka.No.41649/2013/N2 and pass orders in accordance with law within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

7. WP.No.24971/2016:- In the light of the submission of the learned Special Government Pleader that action to evict the petitioners from the lands in question would be done strictly in accordance with the provisions of the Tamil Nadu Land Encroachment Act, 1905, the petitioners need not apprehend as to the forceful dispossession without recourse to law.

8. The writ petitions are disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

28.07.2016

AP

This case having been posted today on Monday, the 1st day of August 2016 in presence of the counsels M/s.Selvi George, Advocate for the Petitioner and of Mr.R.Govindasamy, Special Government Pleader for the Respondents, the Court made the following Order:-

"Clarified No further orders are necessary".

Sd/-
Assistant Registrar(CS III)

//True Copy//

To

1. The Secretary to the Government,
State of Tamil Nadu, Revenue
Department, Fort St George,
Chennai-9.
2. The Commissioner Land Administration
Land Administration Department,
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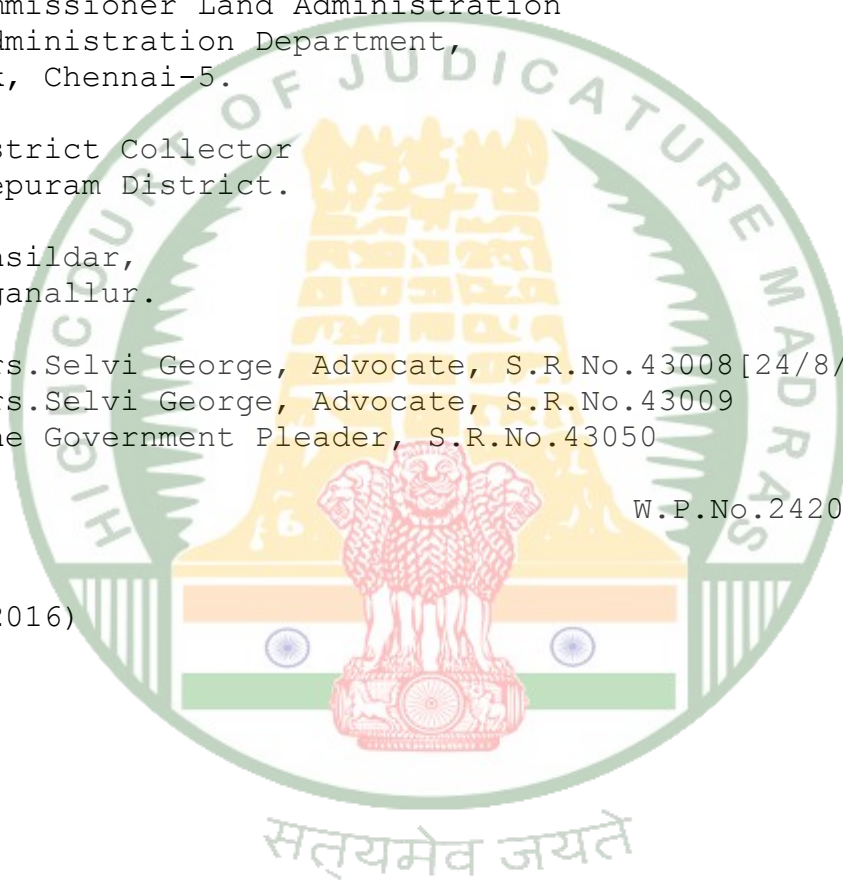
+1cc to Mrs.Selvi George, Advocate, S.R.No.43008[24/8/16]

+1cc to Mrs.Selvi George, Advocate, S.R.No.43009

+1cc to the Government Pleader, S.R.No.43050

W.P.No.24208 of 2016

MG (CO)
CA(18/08/2016)



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