

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P.No.32382 of 2016

The Diocese of Chengalpet,
Rep by Rev.Father Shylock Stephon,
Property Administrator,
Diocese of Chengalpet,
Thimmavaram,
Chengalput. Petitioner

vs.

- 1.The Tahsildar,
Alandur Taluk.
- 2.The Chief Executive Officer,
Office of the Cantonment Board,
St.Thomas Mount,
Chennai.
- 3.The Inspector of Police,
Alandur.
- 4.Archeological Survey of India,
Chennai Circle,
Fort St.George,
Chennai.
- 5.The Commandant,
Office Training Academy,
St.Thomas Mount, Chennai-600 018.
- 6.The District Collector,
Kancheepuram District,
Kancheepuram. Respondents

(R4 and R5 impleaded as per the order dated
19.10.2016 in WMP.No.30345/2016
in W.P.No.32382 of 2016)

(R6 suo motu impleaded today)

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 and 2 to measure, demarcate the lands situated at St.Thomas Mount in Old Survey No.1946, New Block No.39 to 46, Several Town Survey Numbers at St. Thomas Mount which is an total extent of 75 acres 25 cents with the help of 3rd respondent, if necessary.

For Petitioner : Mr.M.Venkatachalapathy,
Senior Counsel
for M/s.Selvi George

For Respondents: Mr.A.N.Thambidurai,
Special Govt. Pleader for R1 and R3

Mr.Mohan
for M/s.King and Patridge for R2

Mr.Su.Srinivasan,
Additional Solicitor General for R4
and R5

O R D E R

This Writ Petition has been filed praying for a Mandamus directing the respondents 1 and 2 to measure, demarcate the lands situate at St.Thomas Mount in Old Survey No.1946, New Block No.39 to 46, Several Town Survey Numbers at St. Thomas Mount which is an total extent of 75 acres 25 cents with the help of third respondent, if necessary.

2. After hearing the arguments on either side, this Court is of the view that since Archaeological Survey of India is involved and inspection is to be done at the behest of the District Collector, Kancheepuram District impleadment of District Collector, Kancheepuram District, Kancheepuram is absolutely necessary and hence, this Court Suo Motu impleads the District Collector, Kancheepuram District, Kancheepuram as party in the writ petition.

3. Mr.M.Venkatachalapathy, learned Senior Counsel appearing for the petitioner pointed out that the property in question is now disputed by others and since it is also coming under Archaeological Survey of India, they now seek for the limited relief of Mandamus directing the respondents 1 and 2 to measure, demarcate the property insofar as Archaeological Survey of India.

4. Mr.Mohan, learned counsel appearing for the Cantonment Board/second respondent would contend that out of the total area, specific area is earmarked as Cantonment area and therefore, it is necessary to measure and survey the property.

5. Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondents 1 and 3 would submit that direction may be given to the jurisdictional Assistant Commissioner of Police to give adequate police protection for the inspection as well as measurement by Archaeological Survey as it requires entire area of the Archaeological Survey.

6. According to the second respondent, as per the Extract from the General Land Register [GLR], in the area description it is given as "Portuguese Church Property including Houses, Bungalow and Colonel Noble's Memorial" and it is specified as B2 Class, which covers both Archaeological area as well as Cantonment Area.

7. Since all of them request for measuring and earmarking the property and in fact the Government of India, Archaeological Survey of India has itself sent a letter dated 01.09.2015 to the District Collector, Kanchipuram District informing that it is necessary to demarcate the protected area of Survey No.1946 at St.Thomas Mount for which grant of "No Objection Certificate" to the construction by the public and therefore requested to depute the concerned official for Joint Survey at St.Thomas Mount at an early date.

8. In view of the above, Joint Survey is to be conducted at the behest of the District Collector, Kanchipuram District on the particular date fixed by him, wherein the Archaeological Survey of India and Cantonment Board shall participate and the jurisdictional Assistant Commissioner of Police, Pallavaram, shall give adequate police protection and the cost towards measuring and demarcating the land as well as providing police protection shall be borne by the petitioner. The above said exercise shall be completed within a period of six months from the date of receipt of a copy of this order.

9. This Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

jvm

To

- 1.The Tahsildar,
Alandur Taluk.
 - 2.The Chief Executive Officer,
Office of the Cantonment Board,
St.Thomas Mount, Chennai.
 - 3.The Inspector of Police, Alandur.
 - 4.Archeological Survey of India,
Chennai Circle, Fort St.George, Chennai.
 - 5.The Commandant,
Office Training Academy,
St.Thomas Mount, Chennai-600 018.
 - 6.The District Collector,
Kancheepuram District, Kancheepuram.
 - 7.The Assistant Commissioner of Police,
Pallavaram.
- +1cc to M/S.Su.Srinivasan, Advocate Sr.65482
+1cc to M/S.King & Patridge, Advocate Sr.65606
+1cc to M/S.Selvi George, Advocate Sr.65739
+1cc to the Government Pleader Sr.65854

W.P.No.32382 of 2016

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srg 10/01/2016

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