

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:22.12.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE N.SESHASAYEE

W.P.No.33536 of 2017 in WMP No.37054 of 2017

M/s.Sun Pharmaceutical Industries Ltd.,
Head Office at ACME Plaza,
Andheri-Kurla Road,
Opposite Sangam Cinema,
Andheri (East), Mumbai - 400 059.
Rep. by its Authorised Signatory
Mr.Jothy Sankar

Vs

Petitioner

1. The Government of Tamil Nadu
Rep. by its Secretary
Revenue Department
Fort St.George, Chennai-9.

2. The Government of Tamil Nadu
Rep. by its Secretary
Public Works Department
Revenue Department
Fort St.George, Chennai-9.

3. The District Collector
Kanchipuram District
Thaiyar Kullam
Kanchipuram - 631 501.

4. The Thasildhar
Alandur Taluk.

Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a declaration declaring the action of the 3rd & 4th respondent in demolishing the wall of the petitioner with a view of interfering and disturbing the possession of the property measuring extent of 27.32 acres in Gerugambakkam Village where the petitioner is having a godwon is illegal, in excess of Jurisdiction and arbitrary and forbearing the respondents from in any way

disturbing, interfering with the possession of their property bearing patta bearing No.445 dated 21.05.2007 for the entire extent of 27.32 acres comprised in various survey numbers as per patta.

For Petitioner : Mr.S.Venkatesan
For Respondents : Mr.M.Digvijaya Pandian,
Additional Government Pleader

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.,]

By consent, the writ petition is taken up for final disposal. Mr.M.Digvijaya Pandian, learned Additional Government Pleader accepts notice on behalf of the respondents 1 to 4.

2 The petitioner is an Authorised Signatory of the petitioner company and would submit that they are the largest Pharmaceutical company in India having various branches throughout India and it is engaged in manufacturing of pharmaceutical products and also involved in the business of trading of pharmaceutical products. It is further averred by the petitioner that they own various properties in Tamil Nadu and one such property is to an extent of 27.32 acres of land in a village called Gerugambakkam, Kancheepuram District bearing patta No.445 and the said landed properties had been purchased by the petitioner through various Survey Numbers.

3 Mr.S.Venkatesan, learned counsel appearing for the petition has drawn the attention of this Court to the typed set of documents and would submit that patta No.445 of 2015 has also been granted by the concerned official in respect of the land admeasuring to an extent of 27.32 acres and all of a sudden on 04.12.2017, the respondents 3 and 4 came along with the concerned officials and started demolishing the compound wall by using JCB machines and though, the petitioner requested them to reveal the reasons for doing so, they have not stated the reasons and also demolished the portion of the compound wall and apprehending dispossession of the said land, the petitioner is constrained to approach this Court by filing this writ petition.

4 Mr.Digvijaya Pandian, the learned Additional Government Pleader appearing for the respondents would submit that as per the instructions of the Assistant Engineer, Public Works Department (WRD), Adyar Irrigation Section, St. Thomas Mount, Chennai - 16, surveying of Adayar River boundaries in Survey No.759 of Gerugambakkam Village was carried out on 04.12.2017 by the Revenue Department as well as by the Rural Development Department to finalise the alignment of proposed high level bridge across Adayar River between Gerugambakkam and

Cowl Bazaar Village and during the survey, it was found that a compound wall was constructed encroaching Adayar river and in order to facilitate the survey works, portion of Compound wall was removed and would further state that action is being taken to remove the encroachments in accordance with law.

5 This Court has considered the rival submission and also perused the materials placed before it.

6 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the respondents 3 and 4 as well as the Assistant Engineer, Public Works Department (WRD), Adyar Irrigation Section, St. Thomas Mount, Chennai - 16, to follow the due process of law in the event of any encroachments said to have been committed by the petitioner and till such time, shall defer further decisions to dispossess the petitioner from the land in question. It is also open to the petitioner to submit a detailed representation to the respondents 3 and 4 as well as to the Assistant Engineer, Public Works Department (WRD), Adyar Irrigation Section, St. Thomas Mount, Chennai - 16 as to their right, title and possession in respect of the said land by enclosing relevant and authenticated documents within a period of four weeks from the date of receipt of a copy of this order and upon receipt of the same, the respondents 3 and 4 shall consider and dispose of the representation to be submitted by the petitioner on merits and in accordance with law within a further period of eight weeks thereafter and communicate the decision taken, to the petitioner.

7 The writ petition stands disposed of with the above direction. No costs. Consequently, the connected Miscellaneous petitions are also closed.

Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

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To

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

2. The Government of Tamil Nadu
Rep. by its Secretary
Public Works Department
Revenue Department
Fort St.George, Chennai-9.

3. The District Collector
Kanchipuram District
Thaiyar Kullam
Kanchipuram - 631 501.

4. The Thasildhar
Alandur Taluk.

+ 2 cc to Mr.S.Venkatesan Advocate, SR.92071

+ 1 cc to The Govt.Pleader, SR.92475

W.P.No.33536/2017

nr 18/01/2018



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