

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2017

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MR.JUSTICE M.SUNDAR

W.P.No.28901 of 2015
and
M.P.No.1 of 2015

M/s.Concord Housing Corporation
Private Limited,
Rep. by its Authorized Signatory,
Mr.T.Gopal.

... Petitioner

-Vs-

1. The Principal Secretary and
Commissioner of Land Administration,
Government of Tamil Nadu,
Chepauk, Chennai 600 005.
2. The Director of Town and Country Planning,
No.807, Anna Salai, Chennai 600 002.
3. The District Collector,
Krishnagiri District, Krishnagiri.
4. The District Revenue Officer,
District Collectorate,
Krishnagiri District, Krishnagiri.
5. The Revenue Divisional Officer-cum-
Sub Collector, Hosur,
Krishnagiri District.
6. The Member Secretary,
Hosur Town and Country Planning Authority,
M.G.Road, Hosur, Krishnagiri District.
7. The Assistant Director,
Land & Survey, Krishnagiri District.
8. The Tahsildar,
Hosur, Krishnagiri District.
9. T.Chandrasekara Reddy

... Respondents

Petition filed under Article 226 of the Constitution of
India praying for issue of Writ of Certiorari to call for the

records of the 3rd respondent issued in Na.Ka.13763/2015/H2 dated 31.07.2015 and quash the same.

For Petitioner	:	Mrs.Chitra Sampath, Senior Counsel for Mr.R.Bharath Kumar
For Respondents	:	Mr.T.N.Rajagopalan Special Government Pleader For RR 1 to 5, 7 & 8
	:	Mr.P.Sanjay Gandhi for R-6
	:	No appearance for R-9

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

Writ Petition No.1183 of 2012 was filed making an allegation that the petitioner herein was seeking to sell plots on Government land and thus, necessary action should be taken in that behalf. The writ petition was disposed of on 27.03.2015 directing the representation of the petitioner therein in that behalf to be disposed of, as it was still pending.

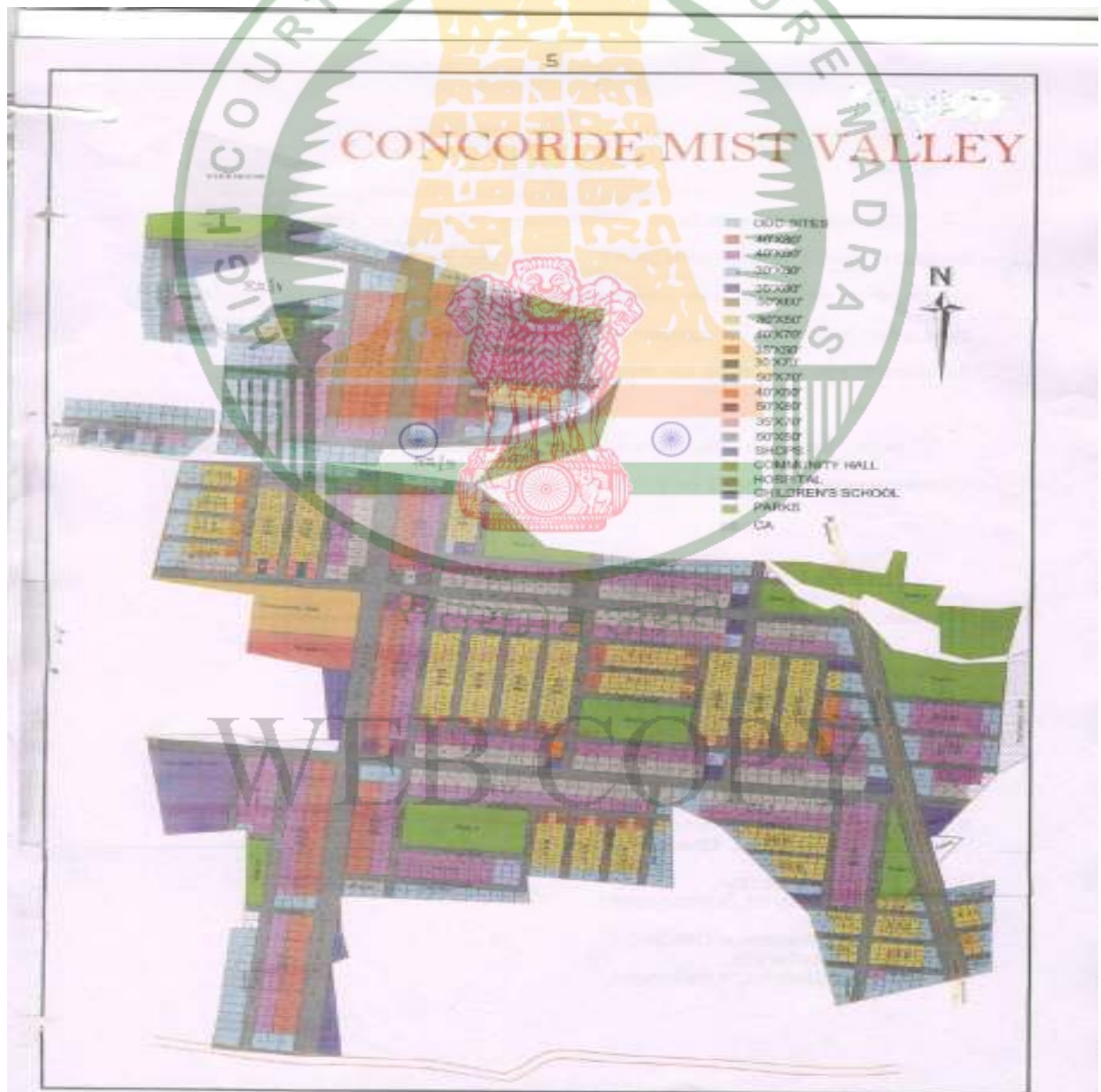
2.The Collector began the proceedings thereafter and as per the impugned order dated 31.07.2015, it is recorded that the sole request was to retrieve the Government land comprised in Survey Nos.82/1, 82/3 and 82/5 being Government poramboke land and to remove the encroachments and to use only for the benefit of the public alone. The findings in respect of these survey numbers is that in one portion of S.No.82/1 measuring 0.72.0 hectares, the Panchayat President was constructing a Rural Service Centre building and thus, the construction of the building was temporarily stopped. In S.No.82/5, the land measuring 0.16.0 hectares was a pathway and was being maintained as such, but had come within the layout compound wall, while in S.No.82/3 measuring 0.72.0 hectares, the cart track had been encroached by plantation of trees. Thus, effectively, it belied that any portion of the Government land was being sold as plots as was alleged in the writ petition, which gave rise to the proceedings before the Collector. At best, on an unused pathway, some trees have been planted, possibly for beautification purposes. The matter would, thus, have rested at that.

3.The Collector, however, embarked upon to examine how planning permission had been granted to the petitioner, the transaction which had taken place more than three decades prior and sought to set at naught the planning permission itself even though certain proceedings, in the meantime, had attained finality. The troublesome aspect is that the plots on the patta land have been sold to third parties post development, who have acquired interest in the same affecting a large number of people without they even knowing about it. Whether the settled position would be unsettled in this matter is itself questionable, especially keeping in mind the limited scope of enquiry, for which purpose, the matter had come up before the Collector.

4.The affidavit of the sixth respondent, the planning authority, acknowledges the contents of the petition and all that is stated is that there was no violation of principles of natural justice and thus, the Collector's order is correct and has been acted upon.

5.On hearing the learned counsel for parties, we are unable to sustain the exercise undertaken by the Collector and thus, set aside the order dated 31.07.2015 and the action taken by the sixth respondent in pursuance to the said recommendation.

6.The petitioner before us assures that the Government areas in question would be kept in open with access and of course, no plots have been made or sold on the same. This is stated so by reference to page 174 of the typed set, which shows access to the poramboke land and is reproduced as under:



7.If on the aspects of classification of land or other aspects a question would arise, the Collector would have to start de novo the processes which have already been undertaken and that would also be possible only after notice to all concerned. Whether such exercise should at all be undertaken would be for the State Government to analyse.

Writ petition is, accordingly, disposed of. No costs. Consequently, M.P.No.1 of 2015 is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

sra
To

1. The Principal Secretary and
Commissioner of Land Administration,
Government of Tamil Nadu,
Chepauk, Chennai 600 005.
2. The Director of Town and Country Planning,
No.807, Anna Salai, Chennai 600 002.
3. The District Collector,
Krishnagiri District, Krishnagiri.
4. The District Revenue Officer,
District Collectorate,
Krishnagiri District, Krishnagiri.
5. The Revenue Divisional Officer-cum-
Sub Collector, Hosur,
Krishnagiri District.
6. The Member Secretary,
Hosur Town and Country Planning Authority,
M.G.Road, Hosur, Krishnagiri District.
7. The Assistant Director,
Land & Survey, Krishnagiri District.
8. The Tahsildar,
Hosur, Krishnagiri District.

+1cc to Mr.R.Bharath Kumar, Advocate, S.R.No.2901
+1cc to the Government Pleader, S.R.No.2481

W.P.No.28901 of 2015

RSY(CO)
CA(24/01/2017)

<https://hcservices.ecourts.gov.in/hcservices/>