



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2017

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM**  
**AND**  
**THE HONOURABLE MR.JUSTICE P.VELMURUGAN**

W.P.[MD].Nos.17956 and 17958 of 2013

Amala Pushpa Mary : Petitioner in  
W.P.No.17956/2013

Vincent Albert : Petitioner in  
W.P.No.17958/2013

Vs.

- 1.The State of Tamil Nadu,  
rep. by its Chief Secretary,  
Secretariat, Fort St. George,  
Chennai - 600 009.
- 2.The Secretary,  
Rural Development Department,  
Government of Tamil Nadu,  
Fort St. George,  
Chennai.
- 3.The Director General of Police,  
Kamarajar Salai,  
Chennai - 5.
- 4.The Collector,  
Thanjavur District,  
Thanjavur.
- 5.The Superintendent of Police,  
Thanjavur.
- 6.The Executive Authority,  
Villar Panchayat,  
Thanjavur District.
- 7.The Deputy Superintendent of Police,  
Anti Land Grabbing Special Cell,  
Thanjavur.



8.UlagaTamizhar Peramaippu  
rep. by its President,  
No.6 South Madakku Theru,  
Kotturpuram, Chennai - 87.

: Respondents in  
both petitions

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PRAYER in W.P.(MD) No.17956 of 2013: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 7 to initiate action for demolition of the two community halls unauthorisedly constructed in the petitioner's land in Plot Nos.196 and 204, Papa Nagar, Survey No.17, Villar Village, Thanjavur District, and further forbear the 8<sup>th</sup> respondent from conducting any meeting from 08.11.13 or any further date, or putting up any construction or using the same in any manner.

PRAYER in W.P.(MD) No.17958 of 2013: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 7 to initiate action for demolition and removal of the garden, pillars and name board put up in the petitioner's land in Plot Nos.239 A, Papa Nagar, Survey No.17, resurveyed as No.17/1A1 Villar Village, Thanjavur District and further forbear the 8<sup>th</sup> respondent from conducting any meeting from 08.11.13 or on any further date, or putting up any construction or using the same in any manner.

For Petitioners in  
both petitions

: Mr.K.K.Ramakrishnan

For Respondents

: Mr.S.Chandrasekar, G.A. For  
R1 to 7

Mr.K.M.Vijayan for R8

#### COMMON ORDER

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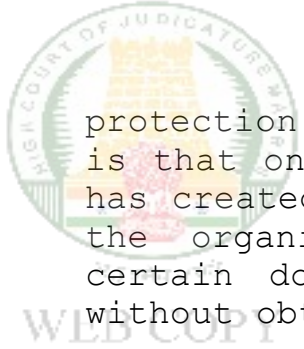
[Order of the Court was made by T.S.SIVAGNANAM, J.]

Heard Mr.K.K.Ramakrishnan, learned counsel for the petitioner in both petitions and Mr.S.Chandrasekar, learned Government Advocate appearing for the respondents 1 to 7 and Mr.K.M.Vijayan, learned counsel appearing for respondent No.8.

2.Both these writ petitions have been filed praying for a direction to the respondents 1 to 7 to demolish the construction, superstructure etc., put up by the 8<sup>th</sup> respondent in the subject property. The 8<sup>th</sup> respondent is a private entity and therefore, the writ petitions will not lie as against the 8<sup>th</sup> respondent.

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

3.The case of the petitioner in both the writ petitions is that the 8<sup>th</sup> respondent is an organization, which is formed for the



protection of interest and development of Tamil. The allegation is that one Natarajan has virtually hijacked the organization and has created certain records by taking over the properties owned by the organization as if they were his properties, registered certain documents and has put up construction in the property without obtaining plan approval.

4.The case of the petitioners is that what has been done by the said Natarajan is land grabbing. In this regard, criminal complaints have been given and cases have been registered in the District Crime Branch, Land Grabbing Cell, Thanjavur. It is not known as what happened to those criminal complaints, in which, first information report was registered. Apart from that, the petitioner would contend that the property was settled in favour of the organization only on account of passion and love for the language of Tamil and the petitioners are unable to see the property being grabbed by third party, who is committing illegalities after illegalities. Since the Court has not been appreciated as to what is the outcome of the criminal proceedings, all that we can observe is that if there is any unauthorised construction, the competent authority, who deals with the same has to take immediate action regardless of the fact as to who is the complainant. In fact, it is the planning authorities and the local bodies, which have to take suo motu action without waiting for any complaint of unauthorised construction. Since no action had been initiated by the planning authorities, we are inclined to issue appropriate direction only to that extent.

5.Considering the factual scenario, we direct the District Collector, Thanjavur to take note of the facts placed on record by the petitioners and examine the same, call for appropriate report from his officers and subordinates including the Panchayat within, whose jurisdiction construction was put up and on being satisfied that there is any illegal construction, shall issue appropriate instructions to the competent authority for doing the needful strictly in accordance with law, after notice to all concerned.

6.With the above direction, these writ petitions are disposed of. No costs.

Sd/-

Assistant Registrar( C )

/True Copy/

Sub-Assistant Registrar

To

1.The Chief Secretary,  
Secretariat, Fort St. George,

<https://hcservices.hcma.gov.in/hcservices> 009.



2.The Secretary,  
Rural Development Department,  
Government of Tamil Nadu,  
Fort St. George,  
Chennai.

3.The Director General of Police,  
Kamarajar Salai,  
Chennai - 5.

4.The Collector,  
Thanjavur District,  
Thanjavur.

5.The Superintendent of Police,  
Thanjavur.

6.The Executive Authority,  
Villar Panchayat,  
Thanjavur District.

7.The Deputy Superintendent of Police,  
Anti Land Grabbing Special Cell,  
Thanjavur.

+One cc to Mr.K.K.Ramakrishnan, Advocate, SR.No.52412

+One cc to The Special Government Pleader, SR.No.52415

Arul/dsk  
RL/10C/4P/MR/SAR2/26.4.2017

ORDER MADE IN  
W.P.[MD].Nos.17956 and 17958 of 2013  
17.04.2017