

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN  
AND

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.4184 of 2018

C.Natarajan

S/o.Late Chakkravarthi

..

Petitioner

Vs

1.The District Collector,  
Kancheepuram District,  
Kancheepuram.

2.The Revenue Divisional Officer,  
Kancheepuram Revenue Division,  
Kancheepuram District,  
Kancheepuram.

3.The Tahsildar,  
Sriperumbudur Taluk Office,  
Sriperumbudur,  
Kancheepuram District.

4.The Superintendent of Police,  
Kancheepuram District,  
Kancheepuram.

5.The Inspector of Police,  
Somangalam Police Station,  
Sriperumbudur Taluk,  
Kancheepuram District.

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Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing respondents 1 to 3 to consider the representation of the petitioner dated 12.12.2017 and thereby directing the respondents 1 to 3 to remove all the encroachments made in order to grab the petitioner's property, Agricultural punja land, comprised in Survey No.408/2B - 0.03.0 hectare (viz) 8 cents, bearing Patta No.404 and Grama Natham land, comprised in Survey No.530/1, measuring an extent of 160 square meters (viz) 4 cents, bearing

Patta No.56, both situate at Amarambedu Village, Sriperumbudur Taluk, Kancheepuram District and to give necessary protection to the life of the petitioner and his property.

For Petitioner : Mr.V.Surya Sankar

For Respondents: Mr.A.N.Thambidurai,  
Special Government Pleader

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#### O R D E R

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

By consent, the writ petition is taken up for final disposal. Mr.A.N.Thambidurai, learned Special Government Pleader, appears for respondents 1 to 3 and notices to respondents 4 and 5 are dispensed with as no representation/complaint has been given to them.

2. Petitioner claims that his father was the owner of the piece and parcel of the agricultural land comprised in Survey No.408/2B admeasuring an extent of 0.03.0 hectare (patta No.404) and yet another land admeasuring an extent of 160 square metres, in Survey No.530/1 (patta No.56) situated at Amarambedu Village, Sriperumbudur Taluk, Kancheepuram District. Petitioner acquired the said properties under a Will dated 19.10.1991 and claims to be in possession and enjoyment of the property. Petitioner, on an earlier occasion, aggrieved by the act of the President of Amarambedu Village Panchayat in allowing the water pipe line upon his land and his attempts to interfere with his possession, had filed a civil suit in O.S.No.448 of 2001 on the file of District Munsif, Poonamallee, praying for mandatory injunction directing the defendant from laying the road in the suit property and also for permanent injunction restraining the defendant from laying the road in the suit property and in any manner interfering with the peaceful possession and enjoyment of the suit property and the said suit came to be decreed ex parte on 12.06.2003. The grievance now expressed by the petitioner is that the Village Panchayat trespassed into his land and started putting up a temple. Despite the illegal activity having brought to the knowledge of respondents 1 to 3 in the form of representation dated 12.12.2017, no action has been taken whatsoever and therefore, the petitioner is constrained to approach this Court by filing this writ petition.

3. Learned counsel for the petitioner would submit that the Village Panchayat have illegally encroached upon his land and putting up illegal construction, despite the fact that the

petitioner had obtained a decree in his favour in O.S.No.448 of 2001 on the file of District Munsif, Poonamallee. Though the said illegal activity having brought to the knowledge of the concerned officials, no steps have been taken to address his grievance and therefore, prays for appropriate action.

4. Per contra, Mr.A.N.Thambidurai, learned Special Government Pleader appearing for respondents 1 to 3, would submit that as per the representation of the petitioner dated 12.12.2017, admittedly encroachments are taking place in his patta land and therefore, the writ petition is not maintainable.

5. This Court has considered the rival submissions and perused the materials on record.

6. A perusal of the petitioner's representation dated 12.12.2017 would disclose that the Village Panchayat has trespassed upon his patta land and started putting up construction of temple. When the construction is going in respect of the patta land said to have been owned by the writ petitioner, the writ petition is not maintainable and the remedy, if any, is to invoke the common law. If the petitioner is so advised, it is open to him to invoke the common law remedy before the appropriate forum.

The Writ Petition is dismissed with the above observations. No costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,  
Kancheepuram District,  
Kancheepuram.

2.The Revenue Divisional Officer,  
Kancheepuram Revenue Division,  
Kancheepuram District,  
Kancheepuram.

3.The Tahsildar,  
Sriperumbudur Taluk Office,  
Sriperumbudur,  
Kancheepuram District.

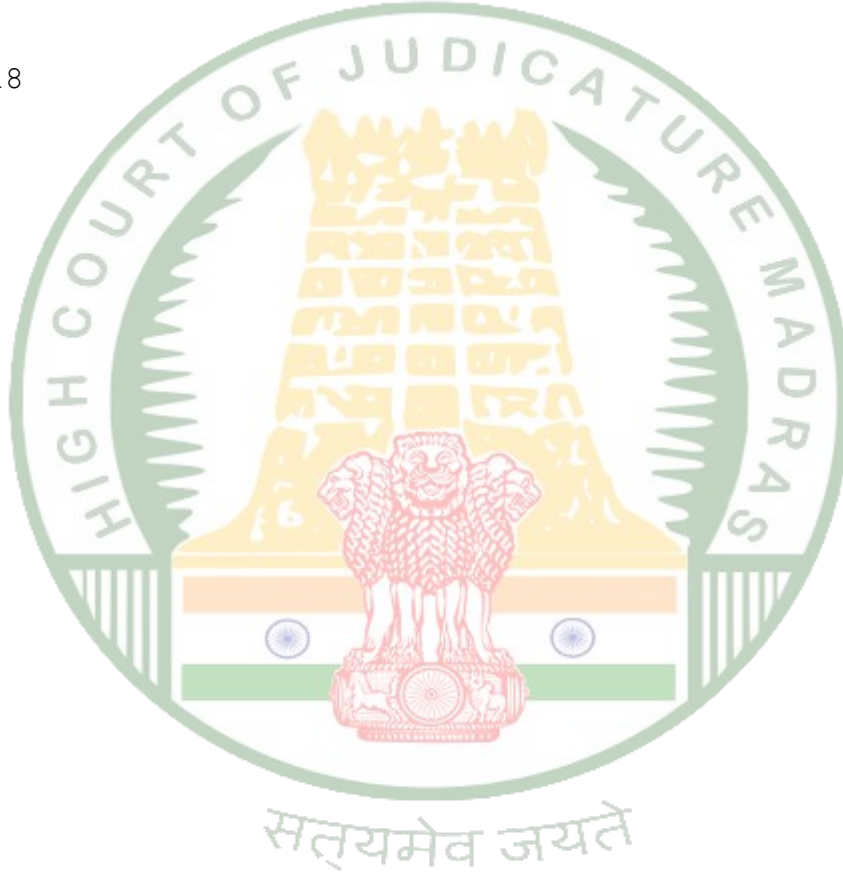
4.The Superintendent of Police,  
Kancheepuram District,  
Kancheepuram.

5.The Inspector of Police,  
Somangalam Police Station,  
Sriperumbudur Taluk, Kancheepuram District.

+1cc to M/s.R.Munusamy, Advocate, S.R.No.35969  
+1cc to the Government Pleader, S.R.No.36272

W.P.No.4184 of 2018

NRL (CO)  
CS/19/06/18



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