

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.VENUGOPAL
AND
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.30837 of 2017
and

W.M.P.Nos.33751 and 33752 of 2017

K.Bharathy, W/o Kannan .. Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Secretary to Government,
Revenue Department,
Fort St.George, Chennai-600 009.
2. The District Collector,
Kancheepuram District, Kancheepuram.
3. The Revenue Divisional Officer,
Tambaram Revenue Division, Tambaram.
4. The Tahsildar, O/o Tahsildar,
Tambaram Taluk, Kancheepuram District.
5. The Executive Engineer,
Neervalu Aadhara Thurai,
Public Works Department,
Keezhpalaruvadinila Kottam,
Kancheepuram.
6. The Asst. Engineer,
Neervalu Aadhara Thurai,
Public Works Department,
Adayar Seer Amaippu Thittam,
Padappai, Sriperumbudur Taluk,
Kancheepuram District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari to call for the records of the impugned order in Letter No.D2/Adayar Akkiramippu, dated 16.11.2017 passed by the sixth respondent and quash the same.

For petitioner : Mr.M.Ramadoss for
M/s.T.Sivagnanasambandan

For respondents : Mr.A.N.Thambidurai, Spl.G.P.

ORDER

(The Order of the Court was made by S.Vaidyanathan, J)

The petitioner has come forward with this Writ Petition praying for issuance of a Writ of Certiorari to call for the records of the impugned order in Letter No.D2/Adayar Akkiramippu, dated 16.11.2017 passed by the sixth respondent and quash the same.

2. Stating that the petitioner should not be evicted from the present place and that she is in possession and enjoyment of the property situated in S.No.403/2 at Annai Anjugam Nagar, Old Perungalathur area, Chennai, for more than a decade, which is classified as Nanjai Meikkal Poramboke and that the officers are threatening the petitioner from evicting the present place, the petitioner has filed this Writ Petition for the relief stated supra.

3. According to the petitioner, she is unable to move out due to the recent floods and hence, she made a representation to the authorities seeking further time to vacate the premises in question and that alternative site may be earmarked for the residence of the petitioner. Earlier, she has approached after making a representation and this Court, in W.P.No.38778 of 2015, by order dated 14.12.2015, directed the fourth respondent (Tahsildar, Tambaram Taluk, Kancheepuram District) to dispose of the representation, dated 03.12.2015 and also considering the fact that the second respondent-District Collector, Kancheepuram has directed the fourth respondent-Tahsildar to pass appropriate orders on the earlier representation of the petitioner, dated 01.03.2015, directed the fourth respondent-Tahsildar to dispose of the said representation on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of the order and till such an order is passed, this Court directed that status-quo shall continue.

4. Subsequently, detailed impugned order has been passed by the sixth respondent stating that the petitioner has not produced any document to show that she has encroached the Odai Poramboke and after due opportunity of hearing, the impugned order came to be passed. It is further stated that in the last but one paragraph of the impugned order that the petitioner has encroached the water body and that no document has been produced

to substantiate her claim.

5. Ms.V.Radha, Deputy Tahsildar of Tambaram Taluk is present before this Court, for whom, the learned Special Government Pleader is appearing. It is represented by the learned Spl.G.P. and the said official that the petitioner did not reside in the place mentioned in the aforesaid survey number, but however, pursuant to the order of this Court, she was given an opportunity of hearing to put forth her case before the respondents. As she did not produce any residential proof and documentary evidence to show that she was residing in the said Odai Poramboke land, based on the report of the fourth respondent-Tahsildar, Tambaram, the sixth respondent has passed the impugned order dated 16.11.2017, rejecting the claim of the petitioner. It is stated that the petitioner is not one of the encroachers and the other encroachers have been provided with alternative site by the Tamil Nadu Slum Clearance Board at Navalur. It is also represented by the learned Spl.G.P. and the said official that a wrong averment has been made in the impugned order as if the petitioner is an encroacher in the land in question. Admittedly, the petitioner is not one of the encroachers and that she did not produce any document to that effect. The plea made by the petitioner to interfere with the impugned order, cannot be acceded to, as she is not one of the encroachers, under the guise of participating in the proceedings and therefore, she cannot seek any alternative site.

6. Hence, for the reasons stated supra, the Writ Petition is dismissed. No costs. Consequently, W.M.Ps. are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Revenue Department,
Fort St.George, Chennai-600 009.
2. The District Collector,
Kancheepuram District, Kancheepuram.
3. The Revenue Divisional Officer,
Tambaram Revenue Division, Tambaram.

4. The Tahsildar, O/o Tahsildar,
Tambaram Taluk, Kancheepuram District.

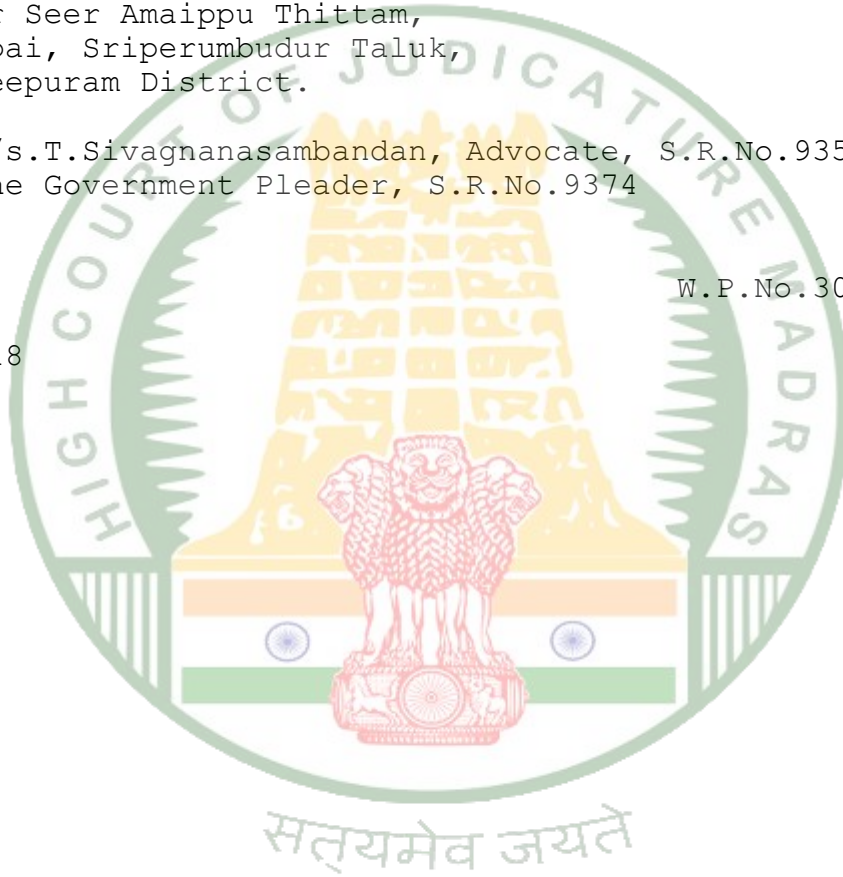
5. The Executive Engineer,
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6. The Asst. Engineer,
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+1cc to M/s.T.Sivagnanasambandan, Advocate, S.R.No.9357
+1cc to the Government Pleader, S.R.No.9374

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CS/20/02/18



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