

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 18.01.2018

Coram

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

W.P.No.22473 of 2017 and
WMP No.23586 of 2017

P.Durga

.. Petitioner

Vs.

1. The State of Tamilnadu rep. by the
The District Collector,
Office of the District Collector,
Government of Tamilnadu,
Kanchipuram District
Kanchipuram
2. The Sub-Collector,
Office of the Sub-Collector,
Chengalpattu,
Kanchipuram District
3. The Revenue Divisional Officer (RDO)
Government of Tamilnadu
Kanchipuram District
Kanchipuram
4. The Tahsildar,
Taluk Office Chengalpattu
Kanchipuram District
Kanchipuram
5. The Commissioner,
Chengalpattu Municipality,
Chengalpattu,
Kanchipuram District
Kanchipuram
6. The Superintendent of Police,
Office of the District Superintendent of Police,
Kanchipuram District, Kanchipuram
7. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Chengalpattu,
Kanchipuram district,

Kanchipuram

8. The Inspector of Police (Law & Order)
Chengalpattu Police Station,
Chengalpattu

9. Rajendiran @ Rabanson

10. V.Gopal

..Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 8 to consider and take appropriate action on the representation dated 19.06.2017 submitted by the petitioner and thereby direct them to take appropriate action against the 9th and 10th respondents for unauthorizedly, illegally and unlawfully encroaching upon Government Poramboke land at Municipal Quarters, Chengalpattu, Kanchipuram District and constructing Bendagoste Church & Carmel Madam and propagating Christianity religion by using loud speakers and other electronic devices.

For Petitioner : Mr.Prakash Adiapadam

For Respondents : Mr.A.N.Thambidurai for R1 to R4 & R6 to R8
Special Government Pleader

Mr.P.Sanjay Gandhi for R5
Additional Government Pleader

Mr.V.P.Rajendran for R9 and R10

O R D E R

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

The petitioner has come forward with the aforesaid prayer.

2. According to the petitioner, the respondents 9 and 10, have illegally encroached upon the Government Poramboke Land at Municipal Quarters and put up a construction namely, Pentecoste Church without any valid permission / approval from authorities concerned. Immediately, the petitioner along with other village people had approached the 1st respondent and submitted representations on 26.05.2017 and 19.06.2017 to take action against the respondents 9 and 10. On receipt of the same, the 1st respondent issued O.Mu.No.10985/2017/A/1 dated 20.06.2017 to the 4th respondent to take action in accordance with law, but the 4th respondent has not taken any action, however, by taking advantage of the inaction by official respondents, the respondents 9 and 10 are proceeding with construction work in a hurried manner. Hence this Writ Petition.

3. A perusal of the counter affidavit filed by the 4th respondent / Tahsildar, Chengalpet shows that the 9th respondent has recently constructed a building adjacent to the building of the 10th respondent in Survey Nos.701 and 702 and that the same does not belong to them, as it is purely a government owned land.

4. A detailed counter affidavit has been filed by the 5th respondent / the Commissioner, Chengalpattu Municipality, Kanchipuram, wherein it is stated that if the illegal construction put by the 9th and 10th respondents is not removed, the Municipality is ready to give required support so as to enable the Revenue officials to remove the unauthorised construction at the earliest.

5. It is represented by the respondents 9 and 10 that it is a natham land, enjoyed by them for generations and the same is not within the Municipal quarters. According to them, the said construction is meant for residential purpose and the same is not a church.

6. Since the respondents 9 and 10 have put up construction without any valid permission from the authorities and that the land belongs to Municipal Corporation, the Respondents 9 and 10 have no locus standi to have the building in a public place i.e., Survey Nos.701 and 702. It is stated before this Court on behalf of official respondents that a portion of the terrace alone has been removed, as it is an admitted case of encroachment. Hence this Court directs the official respondents concerned to remove the entire structure within a period of four weeks from the date of receipt of copy of this Order and the compliance report shall be submitted to the Registrar Judicial (Incharge) of this Court within a period of fifteen days thereafter. It is needless to mention that the authorities may seek the assistance of jurisdictional police to avoid communal clash. We are of the view that the violators cannot complain about violation of principles of natural justice.

With the aforesaid direction, the Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

s/d-

Assistant Registrar(CS IX)

True Copy

Sub-Assistant Registrar

ssd

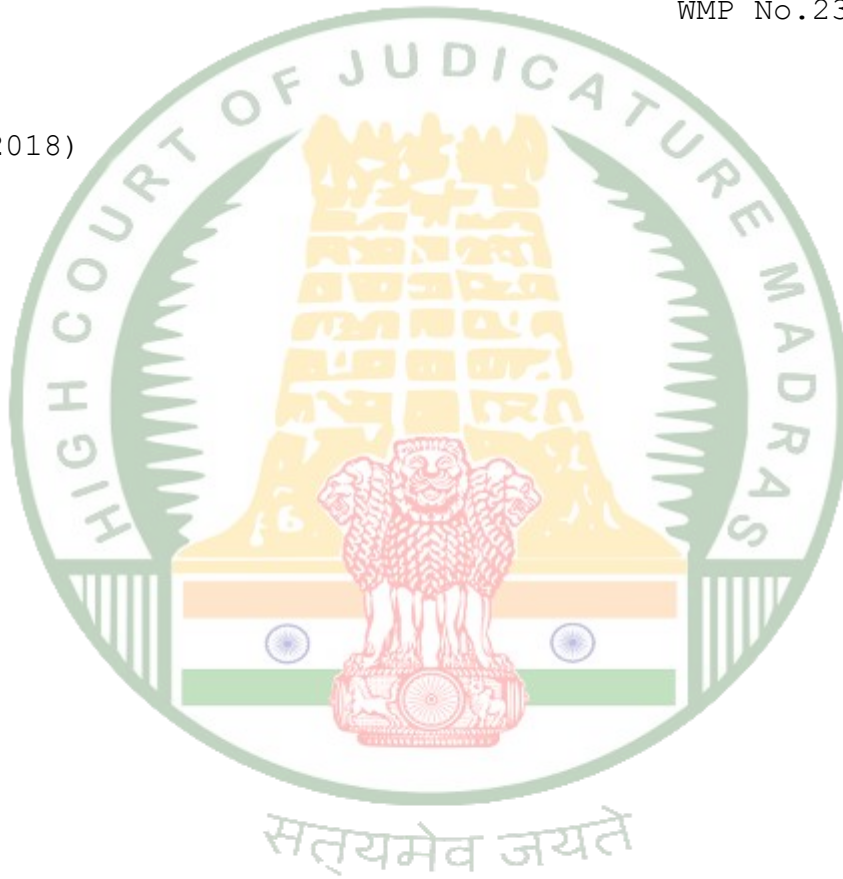
To

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8. The Inspector of Police (Law & Order)
Chengalpattu Police Station,
Chengalpattu
9. The Registrar Judicial (Incharge)
High Court, Madras

+1 CC to Govt. Pleader, sr 4847.
+1 Cc to Mr.P. Sanjai Gandhi, advocate sr 4638.
+1 CC to Ms.V.P. Rajendran, Advocate sr 4418.
+3 Ccs to Mr.B. Balavijayan, Advocate sr 4503,4284

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KAN(CO)
SP(17/02/2018)



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