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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :20.09.2018

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.658 of 2015
and MP.Nos.1 & 2 of 2015

M/s.Rajarathnam Constructions Pvt.Ltd.,
represented by its Managing Director
Mr.A.Rathinam
having their office at
No.20, Anderson Road,
Ayanavaram,
Chennai - 600 023

.. Petitioners

vs

1. The Secretary to Government,
Revenue Department,
Government of Tamil Nadu,
Fort St.George
Chennai - 600 009.
2. The Collector
Office of the Collectorate,
Thiruvallur,
Thiruvallur District.
3. The District Revenue Officer,
Thiruvallur,
Thiruvallur District.
4. The Revenue Divisional Officer,
Ambattur,
Thiruvallur District.
5. The Tahsildar,
Madhavaram,
Chennai - 600 060.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the 3rd respondent from evicting or dispossessing the petitioner herein and demolishing the wall constructed in Survey No.245 Part, Gandhi Main Road, Puzhal village, Ambattur Circle,



Thiruvallur District measuring to an extent of 16316.75 sq.ft (37.4 cents), without due process of law.

For Petitioners: Mr.P.Chandrasekar

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For Respondents: Mr.S.T.S.Murthy

Additional Advocate General - V
assisted by
Mr.M.Elumalai
Government Advocate

O R D E R

The relief sought for in this writ petition is for a direction to forbear the 3rd respondent from evicting and dispossessing the petitioner and demolishing the Wall constructed in S.No.2415/Part, Gandhi Main Road, Puzhal Village, Ambattur Circle, Thiruvallur District measuring to an extent of 16316.75 sq.ft (37.4 cents), without due process of law.

2. The learned counsel appearing on behalf of the writ petitioner states that the petitioner had purchased the immovable property of vacant land situated in S.No.245 Part, Gandhi Main Road, Puzhal village, Ambattur Circle, Thiruvallur District, measuring to an extent of 16,316.75sq.ft (37.4 cents) from Mr.J.Jayasingh on 16.10.2006, by way of Sale Deed vide Document No.8741 of 2006 and the same was registered before the Sub Registrar Office, Redhills for a sale consideration of Rs.68,00,000/-.

3. The learned counsel appearing for the petitioner further states that the petitioner is a bonafide purchaser and now on seeing the order passed by this Court in WP.No.31460/2017 and 6068/2018 on 27.07.2018, the writ petitioner came to understand that he was being cheated by his Vendor. However, it is left open to the writ petitioner to approach the competent authority for redressal of his grievance and in respect of the consideration paid by him, he is at liberty to approach the competent civil Court of law for appropriate relief. However, in respect of the Government land, this Court cannot show any leniency, in view of the fact that the Government has also proposed to construct the Taluk Office, Madhavaram and therefore, the said land is to be taken possession by the Government by removing all such encroachment. Encroachers in respect of the Government land is to be evicted by following the procedures contemplated under the Tamil Nadu Land Encroachment Act, 1905. The relevant paragraphs in the judgment dated 27.07.2018 passed in WP.No.31460 of 2017 & 6068 of 2018 are extracted hereunder:



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20. Considering the entire facts and circumstances, this Court is of an opinion that there are many inconsistencies and discrepancies between the parties. As contended by the learned Additional Advocate General, the writ petitioners have not produced any acceptable document to prove their title. Even in that case, this Court would not be in a position to go into the complex and factual disputes and the same is to be adjudicated before the competent Civil Court by way of a full fledged Trial. However, the allegations in respect of tampering the Government records either by the private individuals or in collusion with the officials, the same is to be viewed seriously. In the present writ petition, there is large scale allegation of tampering of revenue records by certain persons. When both the parties to the present lis on hand, pleads that the Government records are tampered with and there are fraudulent entries and manipulations, then the same require an investigation by the Police officials. The nature of the documents, inconsistencies, discrepancies, tampering of records, manipulations, malpractices, corrupt activities, illegalities and irregularities, all these aspects are to be investigated properly by the Central Crime Branch of the Police Department and all the persons, who are involved in such kind of offences are to be prosecuted under the relevant provisions of Penal law. Undoubtedly, there cannot be any leniency or misplaced sympathy in respect of the persons, who have indulged in such offence of tampering of records for the purpose of grabbing the Government lands. Public lands are to be preserved. Public lands are to be utilized only for the welfare of the public and no individual has got any right to enjoy or possess the Government land in an illegal manner.

21. The land value especially, in and around the Chennai City are raising high and under these circumstances, certain ill motivated and greedy persons are indulging in some illegal activities and grabbing the Government land and some patta lands. Such frequent complaints are received and large scale grabbing of such valuable lands are noticed by the public at large. In fact, such land mafia groups are increasing day-by-day and the Government authorities, who all are bound to protect such Government lands, are also committing gross negligence and dereliction of duty in respect of their duty to protect the Government lands. In other words, the Government officials are failing in their duties and colluding with such land mafia groups and indulging in corrupt activities. These all are the frequent



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informations noticed by the public at large and by all concerned. Such activities of the ill motivated groups are to be dealt with iron heart and iron hand. There cannot be any leniency or misplaced sympathy in respect of such offenders. This Court is not coming to the conclusion that the petitioners are the offenders as of now. However, such factors are to be ascertained only through an investigation by registering a complaint before the competent Police authorities. A thorough investigation is certainly warranted in respect of the facts and circumstances of the present case is concerned. This Court is of an undoubted opinion that the complex nature of the case now presented before this Court is of such a nature that the fraudulent activities are going on, in respect of the Government lands in question in the present writ petition. Such being the conclusion of this Court, the right course would be to order for an investigation by the Central Crime Branch of the concerned Police authorities.

22. In this view of the matter, this Court is of a clear opinion that the writ petitioners have not made out any case for grant of any such relief sought for in both the writ petitions. Thus, the writ petitioners are not entitled for any relief. Considering the complex nature of facts and the nature of allegations of fraudulent and illegal activities now submitted before this Court, it is appropriate to issue the following directions:

(*)

(ii) In respect of the encroachments made in the Government lands, the respondents are directed to initiate immediate action against all the encroachers under the provisions of the Tamil Nadu Land Encroachment Act, 1905, by issuing show cause notice and by following the procedures contemplated under the provisions of the said Act and thereafter, evict all such encroachers without any delay and within a period of four weeks from the date of receipt of a copy of this order.

(iii) The District Collector, Tiruvallur, is directed to conduct a review meetings with all the revenue officials concerned and identify all the encroachments in his jurisdiction and issue suitable orders to evict all such encroachers in the interest of public, and by following the procedures contemplated under the Tamil Nadu Land Encroachment Act, 1905. Such review meetings and orders to be passed by the District



Collector, Tiruvallur, within a period of four weeks from the date of receipt of a copy of this order.

(iv) The District Collector, Tiruvallur, is directed to oversee the implementation of the provisions of the Tamil Nadu Land Encroachment Act, 1905 by all the officials concerned and if there is any negligence, collusion or dereliction on duty, then the District Collector shall initiate appropriate disciplinary proceedings against all the officials concerned under the provisions of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, and criminal prosecutions, if warrants under the facts and circumstances.

23. With these directions, both the writ petitions stand disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are also closed.''

4. In view of the judgment already stated supra, in respect of the similar case no further consideration is required in respect of the grounds raised in the present writ petition. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

5. Post WP.Nos.658 of 2015 and 31460 of 2017 and 6068/2018 on 08.10.2018 ''For Reporting compliance''.

Sd/-

Assistant Registrar(CS-V)
dt. 3.10.2018

(*) Deleted as per order of this court, dated 08.10.2018 in WP.658/2015

Sd/-

Assistant Registrar(CS-V)
dt. 2.11.2018

//True Copy//

Sub Assistant Registrar

sk/pns



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To

1. The Secretary to Government,
Revenue Department,
Government of Tamil Nadu,
Fort St.George
Chennai - 600 009.
 2. The Collector
Office of the Collectorate,
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Thiruvallur District.
 3. The District Revenue Officer,
Thiruvallur,
Thiruvallur District.
 4. The Revenue Divisional Officer,
Ambattur,
Thiruvallur District.
 5. The Tahsildar,
Madhavaram,
Chennai - 600 060.
 6. The Section Officer, Writ Section, High Court, Madras.
- + 2 ccs to Mr. P. Chandrasekar, Advocate Sr.65690

To be substituted
in the place of
order despatched on
05.10.2018

W.P.No.658 of 2015
and MP.Nos.1 & 2 of 2015

(CS-V)
EU(08/11/2018)
Eu 08.11.2018