

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:17.01.2018

Coram

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

W.P.No.23008 of 2016 and
W.M.P.No.19729 of 2016

P.Ravichandran .. Petitioner

Vs.

1.The State of Tamil Nadu rep. By its Secretary,
Housing and Urban Development Department,
Fort St. George, Chennai – 9.

2.The Corporation of Chennai,
Rep. By its Commissioner,
Rippon Buildings, Chennai – 600 003.

3.The Executive Engineer,
Office of the Central Region,
Corporation of Chennai, Pulla Avenue,
Shenoy Nagar, Chennai – 600 030.

4.The Zonal Officer, Zone-VIII,
Corporation of Chennai, Pulla Avenue,
Shenoy Nagar, Chennai – 30.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records of the 1st respondent's order made in letter No.2955/UD-VII(1)/2015-5, dated 20.6.2016, to quash the same and to consequently direct the respondents to regularize the construction made as per Planning Permission and that of the Building Plan dated 30.10.2012.

For Petitioner : Ms.N.R.Jasmine Padma
For Mr.L.Chandrakumar

For 1st Respondent : Mr.A.N.Thambidurai
Special Government Pleader

For RR 2 to 4 : Mr.R.Arunmozhi

ORDER

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

Heard both sides.

2.Challenging the order dated 20.06.2016, rejecting the Appeal under Section 80(A) of the Town and Country Planning Act, 1971, the present writ petition has been filed.

3.According to the petitioner, the petitioner owns a property which was purchased on 29.05.2009 and that the planning permission was obtained for demolition and reconstruction on 30.10.2012. According to him, constructions have been made without any deviation, but, unfortunately, on 29.01.2015 lock and seal notice has been issued by the 3rd respondent, alleging suspicion about patta. The petitioner had stated that he has given a detailed reply about the validity of the patta and that the patta has not been

cancelled. In the meantime, the petitioner has also preferred an Appeal under Section 80(A) along with the stay petition which has been dismissed on 20.06.2016 stating that the patta is not genuine and aggrieved by the same, the present writ petition has been filed.

4. According to the petitioner, he has purchased the land from the erstwhile owner and that the patta has been given to that person and that the property belonged to the petitioner. The petitioner was given ample opportunity to produce the document in support of the contention, but, unfortunately, the petitioner has not produced the title deed in order to establish the genuineness of the patta, based on the said document. Apart from that, the petitioner was given an opportunity of hearing on 13.06.2016 and that when the petitioner has stated that he has purchased the property from one Somasundram, who has produced the patta in his favour issued by Tahsildar, Purasaiwakkam, Perambur Taluk dated 17.07.2008 and based on that, the building has been constructed after purchase of land. According to the petitioner, the lock and seal and de-occupation notice is illegal and he has title to the property.

5.A scrutiny of the records including the layout would make it very clear that the property belongs to the Government and it is a poramboke land. In fact, certain entries were made as if the property belongs to other person, but, a bird's eye view is clear that the document is not a genuine one and that the revenue officials have inspected and found that the land in Block No.46, T.S.No.1, Survey No.259/pt, 262 A/pt and 370/pt in Konnur Village belonged to the Government and classified as Government Poramboke and that the original so-called vendor Somasundram did not have a title to the property to a part with the same by means of sale deed to the writ petitioner.

6.It is stated that the petitioner has not produced any document to prove his title and the patta relied upon is not genuine and that the request of the petitioner has been rightly rejected by the authority on 20.06.2016. It is also stated that various deviation constructed in the building. Since the land does not belong to an individual more particularly to the petitioner and that it belongs to the Government, the petitioner will not be entitled to any relief much less the one sought for under Section 80(A) and the same has been rejected by the authorities.

7. Therefore, this Court finds that there is no error apparent on the face of record to interfere with the impugned order in this writ petition. The authorities have rightly held that the patta has not a genuine document, which has been produced by the petitioner and that the construction on the premises become automatically illegal and there is no scope for regularisation of the same. Hence, this Court finds that there is no merits in the writ petition and the same is dismissed. However, this Court makes it very clear that if the Tahsildar, who has issued the patta, is in service, an appropriate disciplinary action shall be taken against the said Tahsildar and a major punishment need to be imposed, which shall be reflected in his service records. Also, the authorities find that the land belongs to the Chennai Metropolitan Water Supply and Sewerage Board.

8. In view of the observations, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

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Speaking/Non Speaking Order
 Index : Yes / No
 Internet : Yes / No
 Sgl

(M.V., J.) (S.V.N., J.)
 12.01.2018

M.VENUGOPAL, J.
and
S.VAIDYANATHAN, J.

Sgl

To

- 1.The Secretary, The State of Tamil Nadu,
Housing and Urban Development Department,
Fort St. George, Chennai – 9.
- 2.The Commissioner,
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Rippon Buildings, Chennai – 600 003.
- 3.The Executive Engineer,
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- 4.The Zonal Officer, Zone-VIII,
Corporation of Chennai, Pulla Avenue,
Shenoy Nagar, Chennai – 30.
- 5.The Government Advocate,
High Court, Madras.

W.P.No.23008 of 2016

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