

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.21022 of 2009

&

M.P.No.1 of 2009

A.D' Silver
No.3, G.S.T.Road,
St. Thomas Mount,
Chennai-600 016.

...Petitioner

Vs.

1. The District Collector,
Thiruvallur District.
2. The President,
Mathur Panchayat,
Puzhal Panchayat Union,
Thiruvallur District,
Chennai-600 068.
3. Block Development Officer,
Mathur Panchayat,
Thiruvallur District.

[R3-impleaded vide order dated 06.2.2009
made in WMP No.18741 of 2018]

... Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus forbearing the respondents from in any manner interfering with the petitioner's peaceful possession and enjoyment of all that piece and parcel of land and building bearing Plot No.07 of Sridevi Karumariamman Nagar, comprised in Survey No.46/1A1A8 in Patta No.673 at No.31, Mathur Village, Ambattur Taluk, Thiruvallur District admeasuring about 3075 sq.ft.

For Petitioner : Mr.B.Ravi Raja

For Respondents : Mrs.K.Bhuvaneswari,
Additional Government Pleader for R1
R2-No appearance

ORDER

The petitioner has approached this Court, seeking the following relief:-

"To issue a writ of Mandamus forbearing the respondents from in any manner interfering with the petitioner's peaceful possession and enjoyment of all that piece and parcel of land and building bearing Plot No.07 of Sridevi Karimariamman Nagar, comprised in Survey No.46/1A1A8 in Patta No.673 at No.31, Mathur Village, Ambattur Taluk, Thiruvallur District admeasuring about 3075 sq.ft.."

2.The case of the petitioner is that the petitioner and his wife jointly purchased the property measuring 3075 sq.ft. at No.31, Mathur Village, Ambattur Taluk, Thiruvallur District in Survey No.46/1A1A8 in Patta No.673 and bearing Plot No.07 of Sridevi Karimariamman Nagar and thereafter, they constructed a tiled house to the extent of 440 sq.ft. and that they were peacefully enjoying the possession of the said property. While that be so, without any authority of law and without any notice, the respondents appear to have informed the people in the locality that all the residents in the neighbourhood, should vacate and hand over the vacant portion. Since the petitioner underwent by-pass surgery, he did not visit the house. The petitioner got the information about some activities only 25.09.2009. Immediately thereafter, the petitioner went to the premises on that day on hearing that all the houses in the neighbourhood were demolished by using bull-dozer on 18.09.2009. As against the activities of the respondents, the present petition has been filed by the petitioner.

3.This Court, while entertaining the writ petition, granted injunction on 15.10.2009. It is a settled law that if the petitioner establish his title, he cannot be deprived of property without due process of law under Article 300 A of the Constitution of India.

4.In view of the above settled law, the writ petition is disposed of. However, liberty is granted to the respondents to follow the procedures and pass appropriate orders on merits and in accordance with law. However, the learned Additional Government Pleader appearing for the first respondent has produced a letter dated NIL..07.2018 sent by the Tahsildar, Madhavaram, wherein it is stated that the said land in Survey No.46/1A1A8, is classified as Government Poramboke. While that be so, the respondents want to secure the property in the manner known to law. As per Article 300 A of the Constitution, Persons cannot be deprived of the property, except due process

of law. Therefore, the petitioner is directed to submit a representation to the respondents with regard to his claim and thereafter, the respondents are directed to consider the said representation of the petitioner and pass appropriate orders on merits and in accordance with law, after giving an opportunity of hearing to the petitioner and any persons aggrieved and communicate the decision taken thereon to the petitioner.

5. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

kal

To

1. The District Collector,
Thiruvallur District.

2. The President,
Mathur Panchayat,
Puzhal Panchayat Union,
Thiruvallur District,
Chennai-600 068.

3. Block Development Officer,
Mathur Panchayat,
Thiruvallur District.

+1 CC to Mr.B.Ravi Raja, Advocate sr 62306.

+1 CC to Govt. Pleader sr 62794.

सत्यमेव जयते

W.P.No.21022 of 2009 &
M.P.No.1 of 2009

WEB COPY

VBA(CO)
SP(22/08/2019)