

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2019

CORAM :

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.17422 of 2016

1. R.Kulothungan
2. N.Thiagarajan
3. K.Ramakrishnan
4. N.Gokulakrishnan
5. P.Venugopal
6. S.Sankaranarayanan
7. S.Srinivasan
8. R.Saraswathi
9. S.Rajendran
10. B.Premkumar
11. V.Ravindran

... Petitioners

Vs.

1. Government of Tamil Nadu
rep by its Secretary,
Revenue Department,
Fort St. George,
Chennai - 600 009.
2. The Commissioner,
Corporation of Chennai,
Ripon Building,
Park Town,
Chennai - 600 003.
3. The District Collector,
Kancheepuram District,
Collectorate, Kancheepuram.
4. The Assistant Commissioner,
Corporation of Chennai,
Zone - 14, Office at Puzhuthivakkam Main Road,
Madipakkam, Chennai - 600 091.

5.The Tahsildar,
Sholinganallur Taluk,
Chennai - 600 119,
Kancheepuram District.

6.S.Velayuthan Pillai

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of mandamus directing the respondents to delete and/or re-classify the entries in the revenue records relating to the lands in Survey No.68/2, measuring 3.75 acres and Survey No.68/3 measuring 95 cents situate in Madipakkam Village, Sholinganallur Taluk, Kancheepuram District as "Kuttai Poromboke/Battai Poromboke" respectively and to take action to remove the encroachments made therein thereby restoring it to its original position in the light of the representation dated 14.09.2015 of the petitioners and other villagers.

For Petitioners : Mr.B.Srinivasan

For Respondents : Mr.S.N.Parthasarathi
Government Advocate (R1, R3 & R5)

Mr.R.Arulmozhi (R2 & R4)

Mr.Perumbulivil Radhakrishnan
for Mr.J.Franklin (R6)

O R D E R

(ORDER OF THE COURT WAS MADE BY M.DURAI SWAMY, J.)

The petitioner has filed the above Writ Petition to issue a Writ of mandamus directing the respondents to delete/re-classify the entries in the revenue records relating to the lands in Survey No.68/2, measuring 3.75 acres and Survey No.68/3 measuring 95 cents situate in Madipakkam Village, Sholinganallur Taluk, Kancheepuram District as "Kuttai Poromboke/Battai Poromboke" respectively and to take action to remove the encroachments made therein thereby restoring it to its original position in the light of the representation dated 14.09.2015 of the petitioners and other villagers.

2.When the Writ Petition came up for hearing, the learned counsel for the petitioner submitted that the petitioners are giving up the first part of the prayer (i.e.) with regard to deletion/re-classification of the entries in the revenue records relating to the lands in Survey Nos.68/2 and 68/3 and that they would initiate separate proceedings for the said relief. Hence, the learned counsel made his submissions only with regard to the removal of the encroachments in the said lands.

3. According to the petitioners, the encroachments made in Survey Nos. 68/2 and 68/3 should be removed by the official respondents.

4. The 5th respondent, the Tahsildar filed a counter wherein he has categorically stated that the lands in Survey No. 68/2, measuring 3.75 acres and Survey No. 68/3, measuring an extent of 0.95 acres originally stood classified as "Kuttai Poromboke/Battai Poromboke" as per "A" Register. But subsequently, after due enquiry, pattas were granted in the year 1967 itself. Further, the Tahsildar has stated that the lands were originally classified as "Kuttai Poromboke/Battai Poromboke" due to wrong correlation and based on the Revision Petitions filed by the original land owners, enquiry was conducted by the Assistant Settlement Officer, Chengalpattu under Section 11-A of the Tamil Nadu Estate Abolition Act, 1948 and the said lands were classified as patta lands.

5. Since the 5th respondent, the Tahsildar has specifically stated that the lands in dispute are patta lands, the petitioner cannot seek for removal of encroachment in the said lands. In view of the same, the Writ Petition is liable to be dismissed. Accordingly, the same is dismissed. No costs.

Sd/-

Assistant Registrar (Insp cell)

//True Copy//

Sub Assistant Registrar

va

To

1. The Secretary,
Government of Tamil Nadu
Revenue Department,
Fort St. George, Chennai - 600 009.

2. The Commissioner,
Corporation of Chennai,
Ripon Building,
Park Town, Chennai - 600 003.

3. The District Collector,
Kancheepuram District,
Collectorate, Kancheepuram.

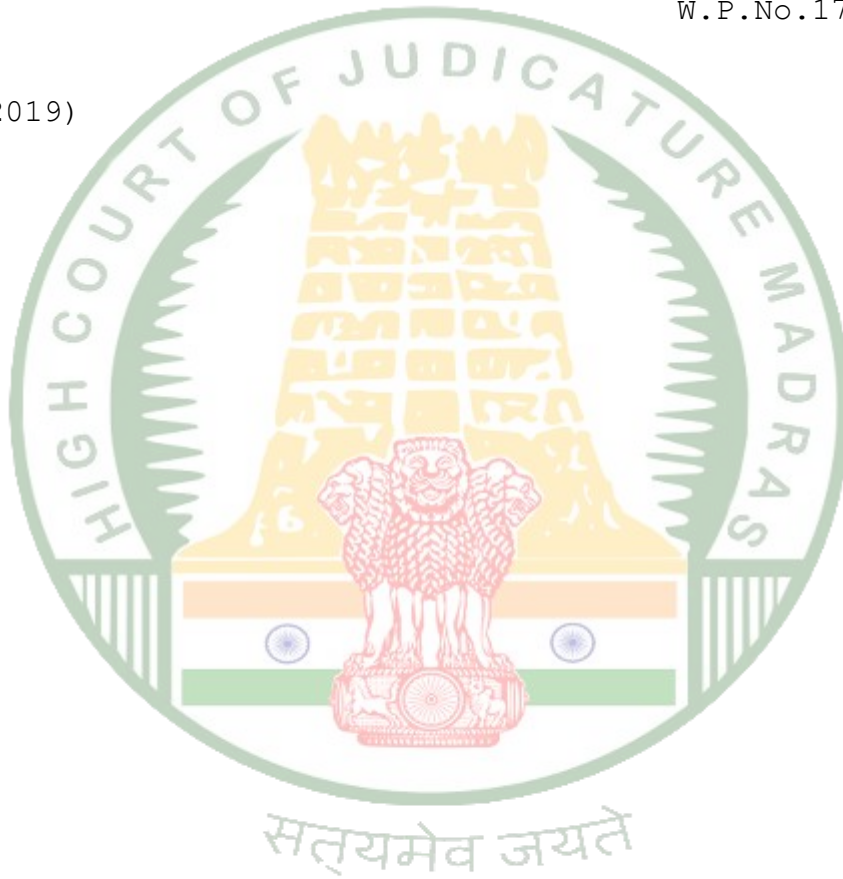
4.The Assistant Commissioner,
Corporation of Chennai,
Zone - 14, Office at Puzhuthivakkam Main Road,
Madipakkam, Chennai - 600 091.

5.The Tahsildar,
Sholinganallur Taluk,
Chennai - 600 119, Kancheepuram District.

+1cc to Mr.J.Franklin, Advocate SR.75785.

W.P.No.17422 of 2016

VG II(CO)
CB(14/10/2019)



WEB COPY