

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.13129 of 2014

Ponnuvel Pillai Garden House
Owners/Residents Welfare Association
(Regd. No.199/2010) rep. by its
Secretary Mr.A.S.T.Jayaraman,
No.557, Ponnuvel Pillai Garden,
Aminjikarai,
Chennai-600 029.

.. Petitioner

-vs-

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

2.The District Collector,
Chennai District,
Singaravelar Maaligai,
Chennai-600 001.

3.The District Revenue Officer,
Chennai District,
Chennai-600 001.

4.The Tahsildar,
Aminjikarai Taluk,
No.4, West Mada Street,
Near Kurungaleeswarar Temple,
Koyambedu, Chennai.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the entire records of the 2nd respondent pertaining to his letter dated 03.04.2014 in 03/44011/2010 addressed to the petitioner, quash the same and consequently, directing the 1st respondent to constitute a valid committee for examining the feasibility for arriving at an amicable settlement by conducting a meeting between the members of the Association and the private owners of the lands in Block No.1, T.S.No.2/1 in Chinnakoodal Village and Vada Agaram Village for confirming ownership over the lands to the members of the Association under their occupation within a reasonable time.

For Petitioner : Mr.P.Chandrasekaran

For Respondents : Mr.V.Shanmugasundar,
Spl. Govt. Pleader

ORDER

Questioning the correctness of the impugned order dated 03.04.2014 of the 2nd respondent, refusing the prayer of the petitioner to form a valid Committee for amicable settlement between the petitioner's Association and the present owners of the lands in Block No.1, T.S.No.2/1 in Chinnakoodal Village and Vada Agaram Village, the Writ Petition has been filed.

2. Learned Counsel appearing for the petitioner submitted that the petitioner Association is validly registered under the Tamil Nadu Societies Registration Act and Rules and a Certificate of Registration of Societies has been issued by the Registrar of the Societies bearing Sl.No.199/2010 on 20.09.2010. Since there are more than 10,000 people occupying and residing at Ponnuvel Pillai Garden for more than 75 years as residents and tenants in the houses built up therein, necessary amenities and developments have been provided with by the Tamil Nadu Government, Tamil Nadu Slum Clearance Board and Chennai Corporation and some of the members of the petitioner Association are paying house taxes and water and sewerage taxes to the Department. But the grievance of the petitioner Association is that the said place has not been ear-marked and allotted by the Competent Authority so as they can establish their possession over the lands under their respective occupation for further action.

3. The learned Counsel for the petitioner further stated that since most of the people living there are daily wagers and carrying on small scale business for their avocation, they have submitted a representation dated 16.12.2010 requesting the District Collector, Chennai District, the 2nd respondent herein, to consider their case sympathetically to form a valid Committee for amicable settlement between the members of the petitioner's Association and the present owners of the place-in-question. Although, the District Revenue Officer, Chennai District, the 3rd respondent herein sent a letter to the Tahsildar, Aminjikarai Taluk, the 4th respondent herein on 07.12.2011 seeking the full details and particulars of the residents occupying the lands in their possession with corresponding survey numbers along with copy of Land Register, the 4th respondent, on 09.03.2011 informed the petitioner that all the lands in Chinnakoodal Village are private lands and no promboke land is available therein. In this context, the petitioner made regular requisitions to form a Committee, but

the 2nd respondent refused the reasonable request of the petitioner in the impugned order. Hence, the present Writ Petition has been filed.

4. A detailed counter affidavit has been filed by the 4th respondent.

5. Learned Special Government Pleader for the respondents reiterating the averments made in the Counter Affidavit submitted that both the lands are contiguous to each other and both the lands are private lands and stand registered in the name of H.H.Gokulvagi Krishna Maharaja and others in the Town Survey Land Records. Therefore, the 2nd respondent has sent a Communication in J3/4401/2010 dated 03.04.2014 rejecting the request of the petitioner citing a clear reason that patta cannot be granted by the Tahsildar for encroachment on a private land. The petitioner sought for patta in respect of T.S.No.2/1 of Block No.1, Chinnakudal Village and T.S.No.1/1, Block No.1 of Vada Agaram Village which belongs to private parties. Since the land for which patta is sought for by the members of the petitioner's Association is measuring to an extent of 2.4959.5 hectares that is equivalent to 111 grounds and 2262 sq.feet comprised in T.S.No.2/1 of Block No.1, Chinnakudal Village and 1474 sq.mts. of land equivalent to 15866 sq.ft. of land comprised in T.S.No.1/1 of Block No.1, Vada Agaram Village, it was difficult for the respondents to consider the request of the petitioner to issue any patta in favour of the encroachments on the private land. Moreover, the Tamil Nadu Housing Board cannot evict the encroachers. Therefore, their request has been rejected in the impugned order.

6. Considering the facts and circumstances of the matter, this Court finds that the reason assigned in the impugned order of the 2nd respondent that patta cannot be granted by the Tahsildar for the private land found to be reasonable. Therefore, this Court is not inclined to interfere with the impugned order.

7. In the result, the Writ Petition fails and the same is accordingly dismissed. No costs.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

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

2.The District Collector,
Chennai District,
Singaravelar Maaligai,
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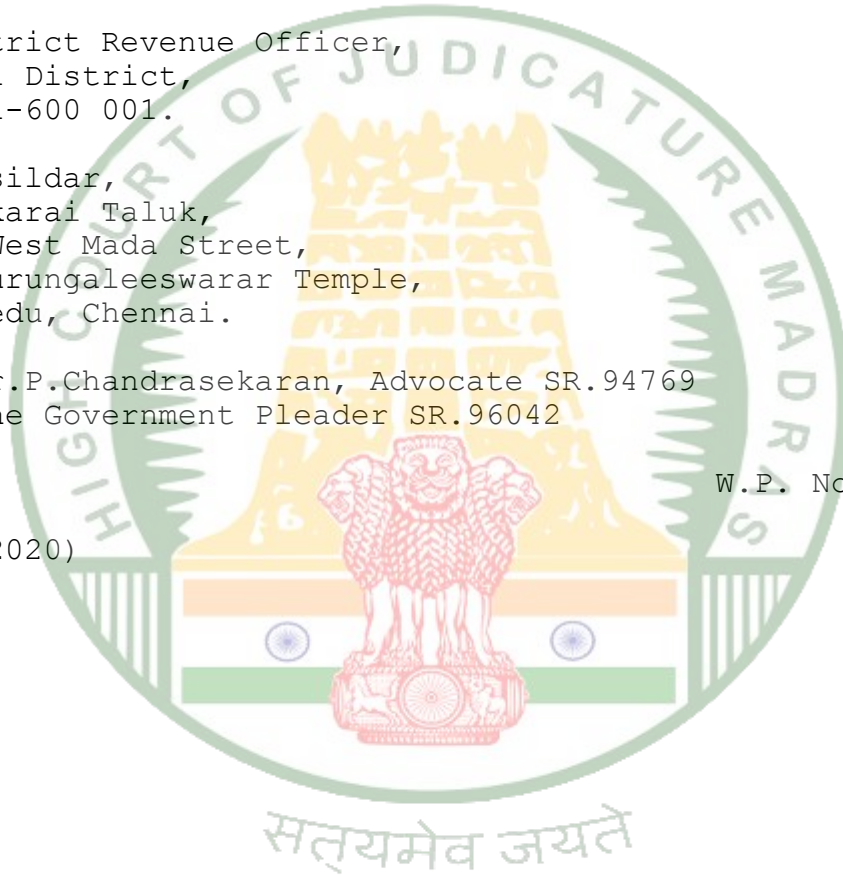
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Koyambedu, Chennai.

+1cc to Mr.P.Chandrasekaran, Advocate SR.94769
+1cc to the Government Pleader SR.96042

W.P. No.13129/2014

RSV(CO)
CB(06/01/2020)



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