

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2019

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAIWAMY

W.P. No.17942 of 2017

E.Kannan

.. Petitioner

Vs.

1.The District Collector,
Thiruvallur District,
Thiruvallur .

2.The Tahsildar,
Poonamallee Taluk,
Poonamallee, Chennai - 600 056.

3.The Executive Officer,
Thirumazhisai Panchayat Board,
Thirumazhisai, Chennai - 600 124.

4.Rajasekar

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of mandamus to direct the respondents 1 to 3 to take necessary action and prevent the 4th respondent from putting up any constructions in the Poramboke land in Survey No.162/2 and New Survey No.204/14 in Madavilavakkam Village, Shanmugapuram 1st Street, Thirumazhisai.

For Petitioner : Mr.R.Lokeshwaran

For Respondents: Mr.S.Kamalesh Kannan

Government Advocate (R1 to R3)

O R D E R

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

The petitioner has filed the above Writ Petition as a Public Interest Litigation to issue a Writ of mandamus to direct the respondents 1 to 3 to take necessary action and prevent the 4th respondent from putting up any constructions in the Poramboke

land in Survey No.162/2 and New Survey No.204/14 in Madavilavakkam Village, Shanmugapuram 1st Street, Thirumazhisai.

2. According to the petitioner, the land in Survey No.169/2, New Survey No.204/14 is a Poramboke land as per the Revenue Records and that the 4th respondent had encroached on the Government land and put up construction in the said land.

3. However, the 2nd respondent viz., the Tahsildar, Poonamallee Taluk filed a counter wherein it has been stated that the land in Survey No.204/14 measuring an extent of 0379 sq.m. is classified as Village Vacant Site as per Grama Natham Survey and Settlement Records. According to the Natham Settlement, all private holdings in Natham area and agricultural lands set apart for dwelling purpose will be registered as "Manai" Vacant sites in Natham or village site at the disposal of the Government which are readily available for house-site assignment will be registered as vacant site poramboke. Accordingly, the Natham lands where there are houses and buildings in existence at the time of Natham Survey have been registered in the name of the occupants as private holding. The land, in which no houses or buildings are in existence, has been classified as vacant site available for future assignment. According to the 2nd respondent, the land in Survey No.204/14 measuring an extent of 0379 sq.m. was kept vacant and was classified as vacant site and subsequent to Natham Settlement, the 4th respondent has put up a Tiled house and is residing therein. According to the 2nd respondent, the 4th respondent has not encroached the Government land and that the land in occupation of the 4th respondent is available for assignment.

4. The petitioner has not produced any evidence to establish that the 4th respondent has encroached the Government land.

5. In view of the categorical statement made by the 2nd respondent that the 4th respondent has not encroached the Government land and the land in occupation of the 4th respondent is a Natham land, the Writ Petition is liable to be rejected. Accordingly, the Writ Petition is dismissed. No costs.

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Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1.The District Collector,
Thiruvallur District,
Thiruvallur .

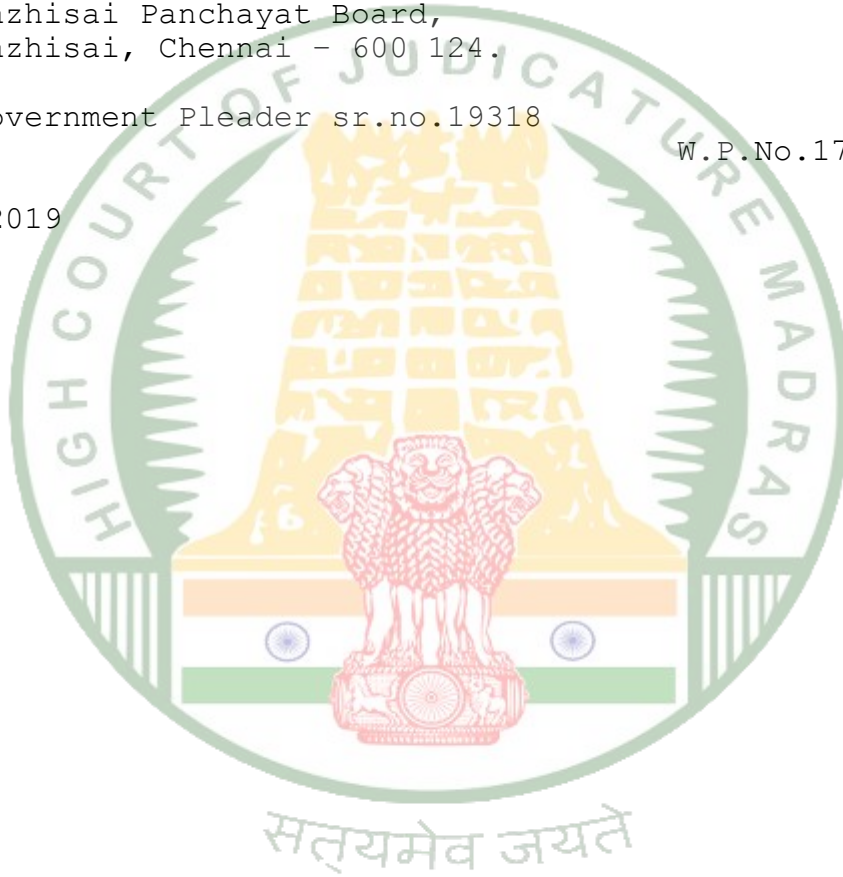
2.The Tahsildar,
Poonamallee Taluk,
Poonamallee, Chennai - 600 056.

3.The Executive Officer,
Thirumazhisai Panchayat Board,
Thirumazhisai, Chennai - 600 124.

+1cc to Government Pleader sr.no.19318

W.P.No.17942 of 2017

nr 25/03/2019



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