

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.02.2020

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

WP.No.3180 of 2020
and W.M.P.No.3689 of 2020

Mr.H.Balasubramani

.. Petitioner

Versus

1.State of Tamil Nadu
rep.by its Secretary,
Revenue Department,
Fort St.George, Chennai.

2.The Commissioner,
Arakkonam Municipality,
Arakkonam 631 001.

3.The District Collector,
Ranipet District 632 401.

4.Mr.Venkatapathy

5.Mrs.V.Santhi

...Respondents

PRAYER:- Writ petition filed under Article 226 of the Constitution of India prays to issue a Writ of Mandamus directing the official respondents (i.e., 1st to 3rd respondent) to take vacant possession of 1500 sq.ft of vacant land adjacent to the defunct co-operative Milk Society situated at 2nd Street Galivari Kandigai, Arakkonam comprised in SF No.B/4/169, Ward-C, Block-5, T.S.No.2 to an extent of 0.04 cents, by removing any superstructure put up in the meanwhile.

For Petitioner
For Respondents

: Mr.J.Srinivasa Mohan
: Mr.R.Vijayakumar
Additional Government Pleader
for R1 & 3

ORDER

[Order of the Court was made by M.SATHYANARAYANAN,J.,]

The Writ Petition, styled as a Public Interest Litigation, is filed by a resident of Kandigai, Arakkanam Taluk, Vellore District, stating among other things that there is a vacant land admeasuring to an extent of 1500 sq.ft, SF No.B/4/169, Ward-C, Block-5, T.S.No.2 and since it remained as a vacant land and not maintained properly, an Association namely, Sri Sai Student Play Ground and Park Association started to level the said land for the purpose of using it as a playground for public purpose and however, the 4th respondent, who is carrying on the occupation of land grabbing, has encroached upon the land and started putting up construction. The petitioner has also obtained an information from the 2nd respondent, by invoking the provisions of the Right to Information Act and as per the communication dated 24.07.2019 in Na.Ka. No.63/2018/C4, the land in question belongs to the Government and it is classified as 'Government poromboke' and a recommendation has also been made for transferring the same to the Revenue Department. It is the further submission of the learned counsel appearing for the petitioner that despite such a communication, neither the Collector nor the Revenue Department has taken any action to protect the land and taking advantage of the lapses on their part, the 4th respondent and his wife, namely the 5th respondent are urgently proceeding with the construction and hence prays for appropriate orders.

2. This Court heard the submission of Mr.R.Vijayakumar, learned Additional Government Pleader, who accepts notice on behalf of the 3rd respondent.

3. A perusal of the above cited communication of the 2nd respondent dated 24.07.2019 would disclose that the land in question does not belong to the local body and it appears that it belongs to the Government.

4. Though the petitioner prays for larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in his representation or in this Writ Petition, directs the jurisdictional Tahsildar, namely the Tahsildar, Arakkonam, after putting the petitioner as well as the respondents 4 and 5, on notice, in the presence of the 2nd respondent, shall cause inspection of the land in SF.No.B/4/169, Ward C, Block No.5, T.S.No.2, 2nd street, Galivari Kandigai, Arakkonamm, within a period of three weeks from the date of receipt of a copy of this order and if any encroachment / unauthorised construction is noted, shall proceed further in accordance with law and take appropriate action within a further period of six weeks

thereafter and communicate the decision taken, to the petitioner as well as to the respondents 1, 4 and 5 and any persons concerned.

4. The Writ Petition stands disposed of with the above observation. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar
sk

To

1.The Secretary, State of Tamilnadu,
Revenue Department,
Fort St.George, Chennai.

2.The Commissioner,
Arakkonam Municipality,
Arakkonam 631 001.

3.The District Collector,
Ranipet District 632 401.

4. The Tahsildar, Arakkonam.

+1cc to M/s.TVJ. Associates, SR.No.11090.
+1cc to Government Pleader, SR.No.11397.

BR(CO)
CSR: 13.03.2020

WP.No.3180 of 2020

सत्यमेव जयते
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