

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.10580 of 2020
and WMP.No.13021 of 2020

Diocese of Madras - Church of South India,
Rep. by Rev. Dr. Manuel S. Titus,
Hon. Secretary,
226, Cathedral Road,
P.B.No.4914, Chennai - 600 086.

...Petitioner

Vs.

1. The District Collector,
First Floor, Collectorate,
Tiruvallur - 602 001.
2. The Tahsildar,
Avadi Taluk Office,
Avadi, Thiruvallur District.
3. The Block Development Officer,
Avadi Taluk,
Avadi, Thiruvallur District.
4. The Village Administrative Officer,
VAO Office - Thiruninravur "A" Village,
Thiruninravur - 602 024.

...Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus, forbearing the respondents from entering, evicting, putting up any construction or interfering in any manner with the peaceful possession of the petitioner in the land belonging to the petitioner situated at No.30, Dharmaraja Koil Street, Thiruninravur - 602 024, comprised in Survey No.217/3 (Paimash No.1054) of Thiruninravur "A" Village, Avadi Taluk, Thiruvallur District, measuring an extent of 1 acre and 96 cents, without following due process of law.

For Petitioner : Mr.Ralph V. Manohar

For Respondents : Mr.E. Balamurugan
Special Government Pleader

ORDER

On the consent given by either side, the main writ petition itself is taken up for final hearing.

2. The learned counsel for the petitioner submitted that the petitioner is the owner of the subject property and he is in possession and enjoyment of the same. The further case of the petitioner is that on 17.07.2020, the fourth respondent along with 10 unknown persons allegedly entered in to the property belonging to the petitioner and informed the petitioner that the property will be utilized for the construction of Primary Health Centre. The learned counsel further submitted that the petitioner objected the claim made by the fourth respondent by stating that that property absolutely belongs to the petitioner and cannot be encroached for the purpose of putting up any construction. The learned counsel submitted that the petitioner apprehends that the respondents will take over the property without any notice to the petitioner and the possession and enjoyment of the petitioner will be interfered and therefore, the present writ petition has been filed before this Court seeking for appropriate directions.

3. Mr.E.Balamurugan, learned Special Government Pleader appearing on behalf of the respondents submitted that the second respondent undertook the exercise of surveying all the properties in Survey No.217 at Thiruninravur Village, Thiruvallur District. The learned counsel further submitted that notice was also issued to the petitioner and the petitioner was informed that the property is going to be surveyed. The learned counsel further submitted that the survey has been completed and the Government lands have been identified. If, in case it is found that the petitioner have encroached upon any Government land, necessary notice will be issued to the petitioner before taking any action.

4. This Court has carefully considered the submissions made on either side and the materials available on record.

5. The apprehension raised by the petitioner has been answered by the learned Special Government Pleader, on instructions. It is clear from the submission of the learned Special Government Pleader that the survey has already been completed and the Government land have been identified. If, in case, the respondents find that the petitioner has encroached upon any Government land, necessary notice shall be issued to the petitioner and the petitioner shall be afforded an opportunity before any action is taken. In view of the specific stand taken by the learned Special Government Pleader, there is no threat to the possession and enjoyment of the property of the petitioner.

This writ petition is disposed of accordingly. No costs.
Connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The District Collector,
First Floor, Collectorate,
Tiruvallur - 602 001.
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Avadi, Thiruvallur District.
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Avadi, Thiruvallur District.
4. The Village Administrative Officer,
VAO Office - Thiruninravur "A" Village,
Thiruninravur - 602 024.

+1cc to the Government Pleader in SR.27003

W.P.No.10580 of 2020

KK(CO)
RV(17/09/2020)

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