

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2020

CORAM :

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

W.P.No.11260 of 2020

Raichand Daga

... Petitioner

Vs.

1.The District Collector,
Chengalpattu District.

2.The Special Officer,
Block Development Office,
Muttukadu Panchayat,
Kelambakkam Post,
Thiruporur,
Chengalpattu,
Chengalpattu District - 603 110.

3.The Executive Officer,
Muttukadu Panchayat,
Ekattur Village,
Kelambakkam Post,
Thiruporur Taluk,
Chennai - 603 103.

4.D.Kumar

5.D.Radhakrishnan

6.D.Radha

7.V.Dhanapal

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to stop and seal the unauthorized construction at No.36, Muttukkadu Panchayat, No.34, Ekkattur Madura Kilpakkam Village, in Survey No. 106/2A to Thiruporur Taluk, Chengalpattu District, Chennai - 600 119, within a time fixed by this Court.

For Petitioner : Mr.T.Karunakaran

For R1 to R3 : Mr.R.Vijayakumar
Additional Government Pleader

For R4 : Mr.A.Ramalingam

O R D E R

(Order of the Court was made by M. SATHYANARAYANAN, J.)

The petitioner claims that he is the owner of the land, admeasuring an extent of 29 cents, in Survey No.106/2A of Egattur Village, Thiruporur Taluk, Chengalpattu District, by means of a registered sale deed dated 01.09.1995 registered as Document No.2413/1995 on the file of the Sub-Registrar's Office, Thiruporur, and in order to protect his property, he has put up a compound wall. However, to his shock and surprise, he received a phone call on 21.01.2020 from one Chinna Raja as to the putting up of a board by the 4th respondent, who is the petitioner in W.P.No.13593 of 2020, as if he is the owner of the said land, and in this regard, a police complaint in CSR No.56/2020 on the file of the Kelambakkam Police Station came to be registered. Since the 4th respondent/petitioner in W.P.No.13593 of 2020 managed to get electricity service connection in respect of the superstructure put up by him on the land, the petitioner herein also approached the jurisdictional Electricity Board officials for the purpose of disconnection of the electricity service connection, and in order to protect his possession, he also got an order, dated 06.03.2020, in C.M.P.No.2322 of 2020 on the file of the Judicial Magistrate No.I, Chengalpattu. The petitioner would further aver that, despite the said order, no action was taken by the concerned officials, and therefore, he filed W.P.No.8431 of 2020 to register his complaint and to give police protection, and it was disposed of on 26.06.2020, by directing the concerned official respondents therein to comply with the order, dated 06.03.2020, passed in C.M.P.No.2322 of 2020 within the stipulated time frame. The petitioner, aggrieved by the act of the 4th respondent by putting up unauthorised construction on the land belonging to him, filed a writ petition in W.P.No.9362 of 2020, which was disposed of with certain directions and he would aver that, in the light of the same only, the 3rd respondent, who is arrayed as 4th respondent in W.P.No.13593 of 2020, has issued a notice, and suppressing the entire facts in the said writ petition, the private respondent also got an order of status quo.

2.The learned counsel appearing for the petitioner

would submit that, despite the said proceedings, the private

respondent, in utter violation of law, relevant schemes and regulations, started putting up unauthorised construction at No.34, Ekkattur Madura Kilpakkam Village, Survey No.106/2A, and since the representation submitted in this regard has failed to invoke any kind of response, the petitioner has come forward to file this writ petition.

3.Mr.R.Vijayakumar, learned Additional Government Pleader, appearing for the official respondents, would submit that, in the light of the fact that the land in question is classified as "Thoppu Poramboke", and also in compliance with the order in W.P.No.9362 of 2020, the 3rd respondent has initiated action against the 4th respondent herein, under Rule 9 of the Tamil Nadu Panchayats (Restriction and Control to regulate the use of Porambokes in Ryotwari Tracts) Rules, 2000, and insofar as the alleged unauthorised construction put up by the private respondent is concerned, inspection would be caused and immediately, appropriate action would be taken. It is the further submission of the learned Additional Government Pleader appearing for the official respondents that, since the petitioner also claims to be a purchaser of a portion of the land in Survey No.106/2A, which is classified as "Thoppu Poramboke", action would also be initiated against him, in terms of Rule 9 of the Tamil Nadu Panchayats (Restriction and Control to regulate the use of Porambokes in Ryotwari Tracts) Rules, 2000, and the said submission, on instructions, is placed on record.

4.It prima facie appears that the petitioner, as well as the 4th respondent in this writ petition (petitioner in W.P.No.13593 of 2020), claim their right based on title/possession, and in the light of the stand taken by the official respondents that the entire land in Survey No.106/2A is classified as "Thoppu Poramboke", it is open to the concerned official respondents to initiate necessary action as expeditiously as possible in accordance with law to cause removal of the encroachment, and in the process, if the official respondents note any unauthorised construction on the part of either of the parties, they are at liberty to initiate appropriate action for demolition of the superstructure, of course, by following due process of law.

This writ petition stands disposed of accordingly. No costs.

-sd-

Assistant Registrar (CS)

//True copy//

Sub Assistant Registrar

mkn

To

1.The District Collector,
Chengalpattu District.

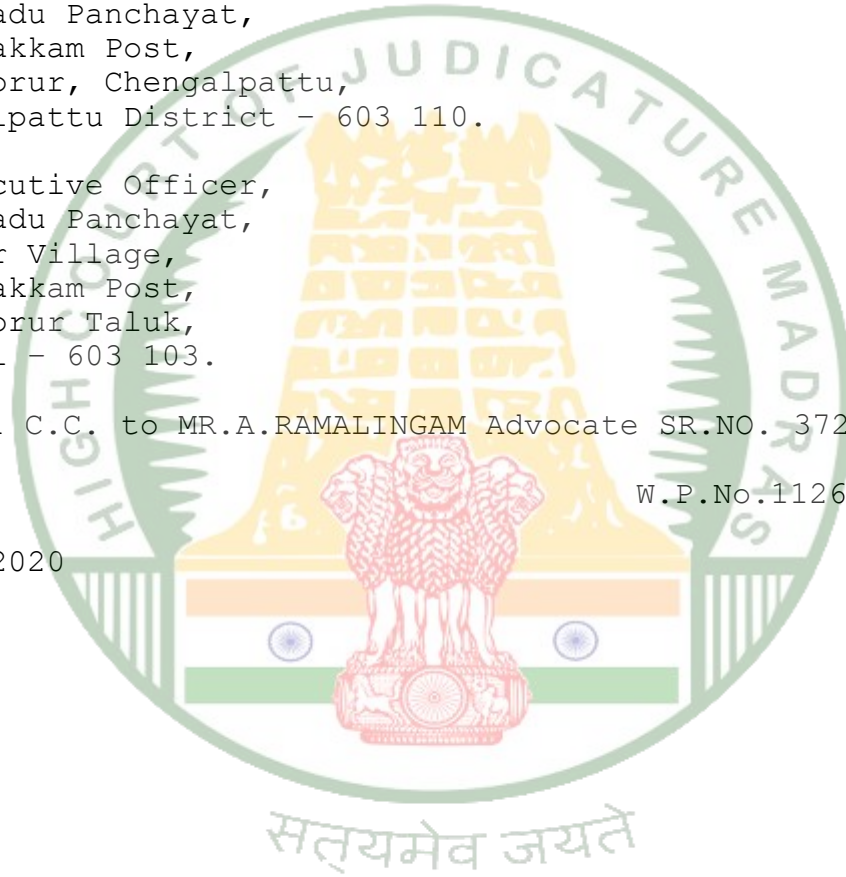
2.The Special Officer,
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3.The Executive Officer,
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+1 C.C. to MR.A.RAMALINGAM Advocate SR.NO. 37283

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LN (CO)
VS 19.12.2020



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