

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2020

CORAM :

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.No.16426 of 2020

G.Seenuvasan

... Petitioner

Vs.

- 1.State of Tamil Nadu, ... Respondents
Represented by its Secretary to Government,
Revenue Department,
Fort St. George,
Chennai - 600 009.
- 2.The District Collector,
District Collectorate Office,
Chengalpet District.
- 3.The Revenue Divisional Officer,
Maduranthakam Taluk,
Chengalpattu District.
- 4.The Tahsildar,
Maduranthakam Taluk,
Chengalpattu District.
- 5.J.Sumathi

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 2nd to 4th respondents to consider the petitioner's representations dated 11.09.2020 and 28.09.2020 for removing the illegal construction in the Government poramboke lands situated at Irumbedu Village, Madurantakam Taluk, Chengalpattu District, within a stipulated time that may be fixed by this Honourable Court.

For Petitioner : MR.JAYARAMAN.T.A.

For R2 to R4 : Mr.R.Vijayakumar
Additional Government Pleader

ORDER

The petitioner is a lawyer and in the affidavit filed in support of this writ petition, he would aver that he is the owner of the property situated at No.02, Irumbedu Village and Post, Madurantakam Taluk, Chengalpattu District - 603 302, and he is residing in the said property for over 40 years and it is used purely for residential purposes. It is the specific case of the petitioner that the adjacent land belongs to the Government of Tamil Nadu and during the year 2010, an Anganwadi Centre was operating and subsequently, the 5th respondent had encroached upon the said land and started putting up a wholly unauthorised superstructure without obtaining any planning permission/licence. It is also the case of the petitioner that the husband of the 5th respondent is a retired employee of Tamil Nadu Electricity Board and is getting monthly pension and their daughter and son-in-law are also in Government service and are working in Chennai, and though she is a relative of former President of the local body, by setting a bad example, she has not only encroached upon the land belonging to the Government, but has also started putting up wholly unauthorised construction, and despite the said fact being brought to the knowledge of the official respondents, especially the 2nd respondent, who is also acting as the Inspector of Panchayats, no action has been taken and hence, he is constrained to approach this Court by filing this writ petition. The petitioner, in this regard, has also submitted two representations, dated 11.09.2020 and 28.09.2020, to the 2nd respondent.

2. There is no representation on behalf of the petitioner.

3. Mr. R. Vijayakumar, learned Additional Government Pleader, appearing on behalf of the respondents 2 to 4, on instructions, would submit that the land on which the 5th respondent has put up superstructure is classified as "Village Site (Grama Natham)" and it is in possession of the 5th respondent for 10 years and she has put up construction. When this Court has put a specific query as to the planning permission/authorisation granted to the 5th respondent to put up construction, the learned Additional Government Pleader would submit that he has no instructions in this regard.

4. This Court has considered the materials and also the submissions made by the learned Additional Government Pleader appearing for the respondents 2 to 4.

5. This Court, taking into consideration the above facts and circumstances of the case, without going into the merits of the claim as projected by the petitioner either in the representations or in the present writ petition, directs the respondents 3 and 4 to cause joint-inspection of the land said to be classified as "Village Site (Grama Natham)" in possession of the 5th respondent, as well as the superstructure

being put up, by putting her on notice, and if the result of the inspection would disclose the encroachment/unauthorised construction or both, they shall take immediate and necessary action in accordance with law, also by adhering to the principles of natural justice, and complete the said exercise within a period of ten weeks from the date of receipt of a copy of this order, and communicate the decision taken to the petitioner as well as the 5th respondent.

This writ petition is disposed of accordingly. No costs.

-Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar

mkn

To

- 1.The Secretary to Government,
Revenue Department,
Fort St. George,
Chennai - 600 009.
- 2.The District Collector,
District Collectorate Office,
Chengalpet District.
- 3.The Revenue Divisional Officer,
Maduranthakam Taluk,
Chengalpattu District.
- 4.The Tahsildar,
Maduranthakam Taluk,
Chengalpattu District.

+1 C.C. to MR.T.JAYARAMAN Advocate SR.NO.37811

W.P.No.16426 of 2020

MJB (CO)
UM (15.12.2020)