



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.17752 OF 2013

AND M.P.NO.1 OF 2013 AND M.P.NO.1 OF 2014

G.Thirumalai

... Petitioner

-Vs-

1. The District Collector,
Kancheepuram,
Kancheepuram District.
2. The Tashildar,
Chengalpet Taluk,
Kancheepuram District.
3. The Block Development Officer,
Kattankulathur Union,
Kattankulathur,
Chengalpet,
Kancheepuram District.
4. The Additional Block Development Officer,
(Village Development),
Kattankulathur Union,
Kattankulathur, Chengalpet,
Kancheepuram District.

5. K.Salguru

... Respondents

Prayer :-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 4 to remove and erode the road laid by the respondents more fully the fifth respondent herein concerning in Patta Nos.178, 179 and 181 to an extent of 112.5 acres in Malaiyadi Venbakkam Village, Chengalpet Taluk, Kancheepuram District.

(Prayer amended as per order dated 24.03.2015 in M.P.No.1 of 2015 in W.P.No.17752 of 2013)



WEB COPY

For Petitioner : Mr.M.Arumugam
For R1 and R2 : Mr.P.Baladhandayutham
Special Government Pleader.
For R3 and R4 : Mr.R.Naresh Kumar for
Mr.S.V.Durai Solaimalai
For R5 : M/s.R.Ramya

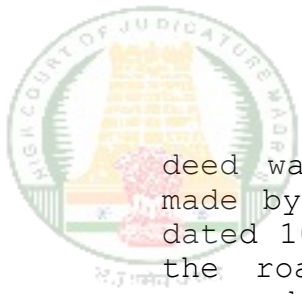
ORDER

This Writ Petition has been filed for the issuance of Writ of Mandamus, directing the respondents 1 to 4 to remove and erode the road laid by the respondents more fully the fifth respondent herein concerning in Patta Nos.178, 179 and 181 to an extent of 112.5 acres in Malaiyadi Venbakkam Village, Chengalpet Taluk, Kancheepuram District.

2. Heard Mr.M.Arumugam, learned counsel appearing for the petitioner, Mr.P.Baladhandayutham, learned Special Government Pleader appearing for the respondents 1 and 2, Mr.R.Naresh Kumar, learned counsel appearing for the respondents 3 and 4 and M/s R.Ramya, learned counsel appearing for the fifth respondent.

3. The case of the petitioner is that the petitioner's great grand father owned property comprised in Survey No.161/2 ad-measuring 0.07.5 hectares in Patta No.178, the land comprised in Survey No.161/3 ad-measuring 0.24.5 hectares in Patta No.179 and the land comprised in Survey No.161/1 ad-measuring 0.13.5 hectares in Patta No.181 in total 1 acre and 12 ½ cents. While being so, the fifth respondent herein planned to form a road over the patta land which belongs to the petitioner's great grand father. The fifth respondent designed to swallow the land covered under these 3 pattas in collusion with the land promoters. Therefore, the petitioner also sent a representation in legal notice to the first respondent and even then no action has been taken even till today.

4. A perusal of the counter filed by the second respondent revealed that the land comprised in Survey No.161/1 ad-measuring 0.135 hectares under Patta No.181 is in favour of one Parthasarathypillai and 12 others, the land comprised in Survey No.161/2 ad-measuring 0.07.5 hectares in Patta No.178 belong to one Loganathanpillai and 12 others and the land comprised in Survey No.161/3 ad-measuring 0.24.5 hectares under Patta No.183 belong to one Nandagopal and 16 others. By the gift deed, dated 10.05.2011 executed by one Maniammal and Anburaja, in favour of the fifth respondent herein who is the Village President of Venbakkam Village in respect of the subject property and the same was registered vide Document No.783 of 2011. The said gift



deed was executed purely for public purpose. On the request made by the public of Venbakkam Village based on the gift deed dated 10.05.2011, the first respondent granted permission to lay the road in the subject property. Accordingly, the fifth respondent started formation of laying road in the gifted land. Further revealed that the petitioner has no documentary evidence to prove the title over the property and also his share over the subject property. The road has been already laid and put into use for general public.

5. While pending the present writ petition, the petitioner also filed petition in public interest litigation for direction, directing the respondents to consider the petitioner's representation dated 16.08.2013 and to protect the Government property to the Government Industrial Training Institute, Venbakkam Village, Chengalpet, bearing Survey No.159/2 and 160 and Pond belong to the villagers of Venbakkam Village, bearing Survey No.159/1 and 158, by removing the illegally laid cement road in said lands.

6. The Hon'ble First bench of this Court by an order dated 05.07.2016, dismissed the writ petition observing that the fifth respondent herein is only inspired by a spite, as the petitioner had lost the Panchayat election to the fifth respondent herein and his election petition is also pending. Further the same road is stated to have been laid on the existing mud road in the approved lay out and the area is earmarked for road gifted to the local panchayat.

7. In view of the above, the writ petition is devoid of merits and is liable to be dismissed. However, if the patta land is interfered by the fifth respondent, it is open to the petitioner to approach the Civil Court for appropriate relief in the manner known to law.

8. In the result, this writ petition stands dismissed. Consequently, connected Miscellaneous petitions are closed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

mn



To

1. The District Collector,
Kancheepuram,
Kancheepuram District.
2. The Tashildar,
Chengalpet Taluk,
Kancheepuram District.
3. The Block Development Officer,
Kattankulathur Union,
Kattankulathur,
Chengalpet,
Kancheepuram District.
4. The Additional Block Development Officer,
(Village Development),
Kattankulathur Union,
Kattankulathur, Chengalpet,
Kancheepuram District.

+lcc to Mr.S.V.Durai Solaimalai, Advocate, S.R.No.65356
+lcc to M/s.R.Ramya, Advocate, S.R.No.65641
+lcc to the Government Pleader, S.R.No.66102

W.P.No.17752 of 2013
and M.P.No.1 of 2013 and M.P.No.1 of 2014

PMK (CO)
PM/23/12/2021