

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.04.2021

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

WP.No.8396/2021

Mrs.T.Gowri

.. Petitioner

Versus

1.The Tahsildar
Ponneri Taluk
Thiruvallur District.

2.G.Rajendran

..

Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the mandamus directing the 1st respondent herein to take necessary action in order to remove the encroachment in the petitioner's land property situated at Tiruvallur District, Ponneri Taluk, Naravari Kuppam Village, comprised in Survey No.9/4A measuring 0.02 cent [two cent] and to measure and demarcation of the petitioner's land by fixing the boundary stone therein on considering the petitioner's representation dated 10.09.2019 within a stipulated period of time.

For Petitioner : Mr.B.Ganesha Moorthy

For R1 : Mr.S.Kamalesh Kumar
Government Advocate

ORDER

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

- (1) By consent, the writ petition is taken up for final disposal and is disposed of by this order.
- (2) Mr.S.Kamalesh Kannan, learned Government Advocate accepts notice on behalf of 1st respondent.
- (3) The petitioner is the widow of late M.Thirunavukkarasu and she would submit that she is a senior citizen and her husband died on 03.07.2013 and while he was alive, purchased the landed property admeasuring to an extent of 0.02 cent, comprised in S.No.9/4A at Naravarikuppam Village, Ponneri Taluk, Tiruvalur District through a

registered Sale Deed dated 03.03.1983, registered on the file of the office of the Sub Registrar, Ambattur. The petitioner would further aver that her two sons are physically handicapped and her family is having a hard to mouth bare existence and taking advantage of the same, the 2nd respondent, who is the Ex-Chairman of Naravarikuppam Municipality, had encroached upon the said land and put up a statue of 'Thanthai Periyar' without any permission whatsoever either from the petitioner or from the concerned/competent authority and the repeated representations dated 10.09.2019 and 31.10.2019 respectively submitted in this regard, are yet to invoke any kind of response and left with no other option only, the petitioner is constrained to approach this Court.

- (4) The learned counsel for the petitioner would submit that for erection of a statue, even on a public land, the permission of the jurisdictional Collector, is required and in the case on hand, the 2nd respondent brazenly committed the act of illegal trespass and also put up a Periyar statue inside the landed property of the petitioner and he is mighty and powerful, having political background and the petitioner is unable to do in accordance with law and therefore, prays for appropriate orders.
- (5) The learned Government Advocate appearing for the 1st respondent on instructions would submit that the inspection of the land would be caused in the presence of the petitioner as well as the 2nd respondent with the aid of relevant revenue records and if any infraction of law or illegality found, necessary and appropriate action would be initiated against the persons concerned.
- (6) This Court has considered the rival submissions and also perused the materials placed before it.
- (7) It is a well settled position of law that for erection of a statue, permission of the jurisdictional Collector/Revenue Divisional Officer is required and if the allegations levelled by the petitioner against the 2nd respondent is true and correct, it prima facie appears to be a serious infraction.
- (8) Be that as it may, this Court without going into the merits of the claim projected by the petitioner either in his representations or in this writ petition, directs the 1st respondent to put on notice, the petitioner or her authorised representative as well as the 2nd respondent and cause inspection of the land in S.No.9/4A at Naravarikuppam Village, Ponneri Taluk, Tiruvalur District, with the aid of the relevant revenue records and if the result of the inspection reveals any infraction/illegality/unlawful act including the act of erection of a statue, shall take immediate, necessary and appropriate action in accordance with law by also adhering to the principles of natural justice and complete the said exercise within a period of eight weeks from the date of receipt of a copy of this order /

uploading of the order in the website and communicate the decision taken, to the petitioner as well as to the 2nd respondent.

- (9) The writ petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS-VII)

//True copy//

Sub Assistant Registrar

AP

To

The Tahsildar
Ponneri Taluk
Thiruvallur District.

Copy to:-

Mr.G.Rajendran
S/o.Govindaraj
Ex-Chairman, Naravarikuppam
Municipality, Angamman Koil Street,
Naravari Kuppam, Chennai 600 052.

+1cc to Mr.B.Ganesha Moorthy, Advocate SR.No.21631

+1cc to Government Pleader SR.No.21901

WP.No.8396/2021

PCH(CO)

GMV(07/05/2021)

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