



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2021

CORAM

THE HONOURABLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

W.P.NO.9176 OF 2019

AND

W.M.P.NO.9717 OF 2021

E.Siva

...Petitioner

Versus

1.The District Collector,
Thiruvallur District.

2.The Tahsildar
Avadi,
Thiruvallur District.

3.The Executive Officer,
Arulmigu Bakthavatsala perumal Thirukoil,
Thirunindravur,
Thiruvallur District.

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents from interfering with the petitioner's peaceful possession and enjoyment of the agricultural land comprised in Survey Nos.191/1, 190/3, 191/4 and 191/2 situated at Thirunindravur Village, Poonamallee, Thiruvallur District, measuring an extent of 2.20 acres belonging to the third respondent, except under due process of law.

For Petitioner : Mr.K.Jayalakshman

For RR 1 and 2 : Mr.V.Veluchamay
Government Advocate

ORDER

This writ petition has been filed seeking for a direction to the forbearing the respondents from interfering with the petitioner's peaceful possession and enjoyment of the agricultural land comprised in Survey Nos.191/1, 190/3, 191/4 and 191/2 situated at Thirunindravur Village, Poonamallee,



Thiruvallur District, measuring an extent of 2.20 acres belonging to the third respondent, except under due process of law.

2. The case of the petitioner is that the aforesaid property was leased out to the father and mother of the petitioner and they are cultivating paddy crops in the said land. In the meanwhile, the Assistant Commissioner (Revenue Court, Cuddalore in PTA 24-2011, dated 05.12.2011) directed the petitioner to deposit the balance of lease amount to the tune of Rs.23,836/- in four Equated Monthly Installments (EMI) with regard to the aforesaid nanja land to the third respondent temple. Thereafter, the third respondent issued a certificate dated 30.12.2020 that the petitioner is the lease holder of the land belonging to the 3rd respondent temple in the said property. However, the aforesaid lands are situated adjacently abutting a small pond and canal on the western side, which is comprised in S.No.195 described as Odaiporamboke. On 29.12.2020, the Village Administrative Officer, Thirunindravur Village surveyed the aforesaid land. When the petitioner enquired about the same, the Revenue Officials gave a vague reply. Immediately thereafter, he sent a representation to the respondents 1 and 2 on 05.01.2021 that the aforesaid land is a temple land, leased out to the petitioner and he has also enclosed the patta in respect of the said land, which stands in the name of the third respondent temple. The officials of the Revenue Department have installed a notice board in the aforesaid agricultural land and the contents of the said notice "This land is government poramboke land comprised in S.No.195 classified as Cart Track Road. It is hereby informed that action will be taken against encroachers in accordance with law". Till date, the petitioner has been paid lease amount promptly to the third respondent temple for the past fifty years. Therefore, the petitioner has come forward with the present writ petition to forbear the respondents from interfering with the petitioner's peaceful possession and enjoyment of the aforesaid agricultural land.

3. Heard both sides and perused the materials available on record.

4. On perusal of the records, it is seen that the lands comprised in S.Nos.190/3, 191/4 and 191/2 situated at Thiruninravur "A" Village, Avadi Taluk are classified as "Ryotwari Nanja" Patta Holder, namely, Arulmigu Bakthavatchala Perumal Temple" and S.No.191/1, which is classified as "Kalam Poramboke" as per Revenue Records of Thiruninravur "A" Village, Avadi Taluk. It is also seen that the proceedings in Na.Ka.No.2961/2021/N1, dated 08.02.2021 has also been produced by the first respondent/District Collector states that the land comprised in Survey No.195 measuring an extent of 0.32.00 ares



classified as Cart Track, which is a Government Poramboke land as per the Revenue Records of Thiruninravur "A" Village, which was surveyed by the Taluk Deputy Surveyor of Avadi along with Village Administrative Officer of Thiruninravur "A" Village and Revenue Inspector of Thiruninravur Firka for the purpose of allocating the Government land to the Public Health Department to build Primary Health Centre, Thiruninravur. Moreover, it appears that after completion of field survey by the Taluk Deputy Surveyor of Avadi, the notice board was kept in S.No.195 not in temple lands and hence, the petitioner has no locus-standi to prove his case. The learned counsel for the petitioner contended that the petitioner was leased out to the father and mother of the petitioner and they are cultivating paddy crops in the said land since the petitioner has been paid lease amount to the third respondent temple is not acceptable one.

5. It is also seen that as per the proceeding of the District Collector, Tiruvallur, in Na.Ka.No.2961/2021/N-1, dated 08.02.2021, the enter upon permission has been granted to the Public Health Department to build the Primary Health Centre, Thiruninravur, on the said land comprised in S.No.195 of Thiruninravur "A" Village in Avadi Taluk as the existing Primary Health Centre in this Village is accommodating only 6 bed's consisting of three post natal and three anti natal bed's and it is not sufficient to the present rural population that would be around one lakh people in that areas. Hence, the Primary Health Centre in new building is necessity for this Village in current scenario. Hence, this Court is of the view that the contention of the petitioner is not acceptable one and the prayer sought by the petitioner cannot be granted and the same is liable to be dismissed.

6. Accordingly, the writ petition is dismissed. It is open to the petitioner to approach the competent authority to redress his grievance in the manner known to law. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar(CS-IV)

// True Copy //

Sub Assistant Registrar

msm

To

1.The District Collector,
Tiruvallur District.



2.The Tahsildar
Avadi,
Thiruvallur District.

3.The Executive Officer,
Arulmigu Bakthavatsala perumal Thirukoil,
Thirunindravur,
Thiruvallur District.

+1cc to M/s.K.Jayalakshman, Advocate SR.No.50934

W.P.No.9176 of 2021

SMI (CO)
RVM(24/01/2022)