



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. NO. 24971 OF 2016

AND

W.M.P. NO. 21340 OF 2016

1. Raghunandana

2. Vasantha Lakshmi

... Petitioners

-VS-

1. The State of Tamil Nadu,
Represented by its Secretary to the Government,
Revenue Department,
Fort St.George,
Chennai - 600 009.

2. The Commissioner Land Administration,
Land Administration Department,
Chepauk, Chennai - 600 005.

3. The District Collector,
Kancheepuram District.

4. The Tahsildar,
Sholinganallur.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus forbearing the respondents from in anyway interfering with the possession and enjoyment of the petitioners land situated in New Survey Nos. 405/1A1 and 405/1B1 and part of the land in Survey No. 405/5 Okkium Thoraipakkam Village, Tambaram Taluk, Kancheepuram District.



For Petitioners : Ms.Selvi George

For Respondents : Mr.K.M.D.Muhilan
Government Advocate

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O R D E R

The writ on hand is filed to forbear the respondents from in anyway interfering with the possession and enjoyment of the petitioners land situated in New Survey Nos. 405/1A1 and 405/1B1 and part of the land in Survey No. 405/5 Okkium Thoraipakkam Village, Tambaram Taluk, Kancheepuram District.

2. The petitioners state that they have purchased the subject property jointly from their vendors for a valid sale consideration on 11.04.2007. The petitioners further state that they are in possession and enjoyment of the subject land. It is contended that the subject property is adjacent to the land belonging to the vendor of the petitioners and they are running a College in the name of Misrimal Navajee Munoth Jain Engineering College and near to their land, there is a Government poromboke land which was unauthorizedly occupied by the said Engineering College. They made a representation to the District Collector who in turn authorized the Tahsildar and Revenue Divisional Officer, Tambaram to conduct an inspection. A report was submitted. Based on the report, it is stated that the District Collector had recommended for granting lease of the said Government Poromboke land.

3. This Court is of the considered opinion that the petitioners themselves have stated in their affidavit that adjacent Engineering College has encroached the Government land. The copy of the report is not made available before this Court. Despite the fact that the Writ Petition was filed in the year 2016, the respondents have not filed any counter affidavit so far. However, the relief as sought for in the present Writ Petition cannot be granted as the civil rights of the petitioners cannot be adjudicated in the present Writ Petition. Infringement of civil right is to be redressed to the competent Civil Court of Law. If at all the encroachment is identified, then the respondents are bound to evict the encroachers by following the procedures as contemplated under Tamil Nadu Land Encroachment Act, 1905.



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4. In the present case, the petitioners state that they are in lawful possession of their own land. However, they admitted that there are certain encroachment nearby their land by the said College. Under these circumstances, the respondents are directed to conduct an inspection of the subject property with reference to the revenue records and to initiate an action to remove the encroachment in the Government land. There cannot be any leniency in the manner of evicting the encroachers from the Government land and all such Government lands to be utilized for the public purposes. Alienation of the Government lands for private benefits can never be granted and it is to be utilized only for the public benefits and therefore, the respondents are bound to act swiftly.

5. This being the factum established, the relief as such sought for in the present Writ Petition is to be rejected. The respondents are directed to conduct an inspection with reference to the revenue records in the subject property and identify the encroachment if any and evict those encroachment by following the procedures as contemplated. Such an exercise is directed to be done within a period of eight weeks from the date of receipt of a copy of this order.

6. With these directions, the Writ Petition stands disposed of. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-VIII)

// True Copy //

Sub Assistant Registrar

vji

To

1. The Secretary to the Government,
The State of Tamil Nadu,
Revenue Department,
Fort St.George,
Chennai - 600 009.



2. The Commissioner Land Administration,
Land Administration Department,
Chepauk, Chennai - 600 005.

3. The District Collector,
Kancheepuram District.

4. The Tahsildar,
Sholinganallur.

Copy To

The District Collector,
Chengalpattu District.

+1cc to the Government Pleader, S.R.No.50113

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and
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GPL(CO)
RLP(22/10/2021)