



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

W.P. No. 16004 of 2021
and
W.M.P. No. 16915 of 2021

Kamala Soundararajan

... Petitioner

Vs.

1. The District Collector
Chengalpattu District.
2. The Revenue Divisional Officer
Chengalpattu Revenue Division
Chengalpattu District.
3. The Tahsildar
Chengalpattu Taluk
Chengalpattu District.
4. The Block Development Officer
Kattankolathur Panchayat Union
Chengalpattu Taluk
Chengalpattu District.
5. Mr. Gothandam
6. Mr. Perumal

... Respondents

PRAYER : Petition filed under Section Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the Respondent Nos. 1 to 4 herein, to take action against the Respondent Nos. 5 and 6 for removal of encroachment and unlawful construction made in Survey No. 243, classified as Meikkal Porambokke, situated at No.72-Venkatapuram Village, Chengalpattu Taluk and District, by considering the Petitioner's representations dated 20.01.2021.

For Petitioner : Mr. A.Ramalingam

For Respondents: Mrs. R.Anitha (For R1 to R3)
State Government Counsel



Mr. M.Venkateswaran (For R4)

ORDER

WEB COPY (Order of the Court was passed by N.KIRUBAKARAN, J)

The matter was heard through ''Video Conference''.

2. The Petitioner has come before this Court seeking Writ of Mandamus, directing Respondent Nos. 1 to 4 to remove encroachment made by the Respondent Nos. 5 and 6 made in Survey No. 243, which is classified as Meikkal Poramboke, situated at No.72-Venkatapuram Village, Chengalpattu Taluk and District.

3. The Petitioner contends that she is in possession of the subject property comprised in Survey No.243, which is classified as Meikkal Poramboke. The Petitioner submitted an Application for patta /assignment in respect of the subject property. Since no action has been taken, the Petitioner has filed a Writ Petition in W.P. No. 13069 of 2020. This Court vide order dated 29.09.2020 made in W.P. no. 13069 of 2020 directed the Sixth Respondent therein to conduct an enquiry and pass orders.

4. Subsequently the Private Respondents have encroached upon another property, viz., Meikkal Porambokke, which is also in possession of the Petitioner and put up construction, which compelled the Petitioner to come before this Court by way of this Writ Petition.

5. Heard Mr. A.Ramalingam, Learned Counsel for the Petitioner, Mrs.R.Anitha, Learned State Government Counsel appearing for the First to Third respondents and Mr. M.Venkateswaran, Learned Counsel appearing for the Fourth Respondent, and perused the materials placed on record.

6. Since the Third party rights are also involved, this Court directs the Official Respondents to conduct a joint enquiry on 18.08.2021 with regard to the compliance of the earlier order of this Court dated 29.09.2021 as well as the order of this Court order dated 03.08.2021, after issuing notice to the Petitioner as well as the Private Respondents and pass appropriate orders, after giving opportunity of hearing to them, following due process of law within a period of four weeks from the date of receipt of a copy of this order.

7. It is made clear that the Petitioner herself terms the subject property comprised in Survey No. 243 as Meikkal



Porambokke. Therefore, all efforts should be made by the Official Authorities to keep encroachers out of the Porambokke land, which should be preserved only for public purpose. It is also made clear that there is no question of issuance of patta for Meikkal Poramboke to any one.

8. With the above observations, this Writ Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

Maya

To

1. The District Collector
Chengalpattu District.
2. The Revenue Divisional Officer
Chengalpattu Revenue Division
Chengalpattu District.
3. The Tahsildar
Chengalpattu Taluk
Chengalpattu District.
4. The Block Development Officer
Kattankolathur Panchayat Union
Chengalpattu Taluk
Chengalpattu District.

+1cc to M/S.A.Ramalingam, Advocate, SR.No.38602

+1cc to Government Pleader, SR.No.38816

W.P. No. 16004 of 2021

KSM(CO)
PM(02/09/2021)