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IN THE HIGH COURT OF JUDICATURE OF MADRAS

RESERVED ON : 17.11.2021

PRONOUNCED ON : 01.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM  
AND  
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.No.20161 of 2021  
and  
W.M.P.No.21430 of 2021

Pugazarasan

...Petitioner

Vs

1. The District Collector,  
Thiruvannamalai District.
2. The Tahsildar,  
Polur Taluk,  
Thiruvannamalai District.
3. The Revenue Divisional Officer (RDO),  
O/o the Revenue Divisional Officer (RDO),  
Arani Sub Division,  
Thiruvannamalai District.
4. The Director,  
The Town and Country Planning (DTCP),  
O/o the Town and Country Planning (DTCP),  
Vellore.
5. The Assistant Director of Town Panchayat,  
Vellore zone,Vellore-9.
6. The Executive Officer,  
Kalambur Town Panchayat Office,  
Kalambur,Thiruvannamalai District.
7. The Village Administrative Officer,  
Kalambur Village,  
Thiruvannamalai District.
8. The Head Master,  
Government Primary Village Panchayat Union School ,  
KalamburPolur Taluk,  
Thiruvannamalai District.

...Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to consider the petitioner's representation dated 07.09.2021 and further direct the 6<sup>th</sup> respondent to stop illegal construction of ''Commercial Complex (Vegetable Vending Shops)'' in the land classified as ''Kuttai Poromboke'' in survey No.540/3 measuring about 0.71.00 Acres, in Aliyabad Village, Kalmbur Municipality, Thiruvannamalai District.

For Petitioner : Mr.S.Silambuselvan

For R1 to R5,R7& R8 : Mr.L.S.M.Hazan Faizal  
Addl. Govt. Pleader

For R6 : Mrs. Akila Rajendiran  
Standing counsel

#### O R D E R

[Order of the Court was made by V.SIVAGNANAM, J.]

This Writ Petition has been filed seeking issuance of writ of Mandamus directing the respondents to consider the petitioner's representation dated 07.09.2021 with a direction to stop illegal construction of ''Commercial Complex (Vegetable Vending Shops)'' in the land classified as ''Kuttai Poromboke'' in Survey No.540/3 measuring about 0.71.00 Acres, in Aliyabad Village, Kalambur Municipality, Thiruvannamalai District.

2. The learned counsel appearing for the petitioner has submitted that the petitioner is residing at Kalambur Municipality and there is a Government Panchayat Union Primary School, in which up to 5<sup>th</sup> standard, students are studying, mostly economically weaker section children. Adjacent to this school building, there is a vacant place measuring about 0.71.00 acres in Aliyabad Village Survey No.540/3, in that place the children are playing. As per revenue records, it is classified as ''Kuttai Poromboke''. This vacant land was mainly used by the School students for playing. Now, the 6<sup>th</sup> respondent has started to construct ''Commercial Complex for Vegetable Vending Shops. Objecting the construction, the petitioner had sent representation dated 07.09.2021. No action was taken. Hence, this Writ Petition.

3. The learned counsel appearing for the 6<sup>th</sup> respondent has filed a counter and submitted that the land in dispute is classified as ''Kuttai Poromboke'' in the revenue records. However, the land is in use by the Co-operative Bank and other institutions such as ration shops. The revenue records has to be reclassified. In the Government Panchayat Union Primary School, totally 64 students are studying, for their play ground purpose,



an alternative play ground has already been given to them. The Vegetable Vending Shops are situated adjacent to the Government Panchayat Union Primary School situated in Kalambur Town Panchayat. During the Peace Committee held in the presence of the 3<sup>rd</sup> respondent (RDO) on 07.08.2021, a play ground comprised in 3800 sq. ft., was allotted for the purpose of the students and order was passed. Further, contented that in the land Survey No.540/3 there was TAHDCO Shops, Primary Agriculture Co-operative Credit Society, Agriculture Development Centre, Public Water Tank, Veera Anjaneyar Kovil, Kalambur village Administrative Office, Public Toilet Building and Government Panchayat Union Primary School for the past forty years. The construction of Vegetable Shandy is for the good purpose of the public. The Vegetable Vending Shops functioned every week on Sunday. The allegations in the affidavit are false and thus, pleaded to dismiss the Writ Petition.

4. Heard Mr.S.Silambuselvan, the learned counsel for the petitioner and Mr.L.S.M.Hazan Faizal, learned Additional Government Pleader appearing for the respondents 1 to 5, 7 and 8 and Mrs. Akila Rajendiran, learned Standing counsel appearing for the 6<sup>th</sup> respondent and perused the materials available on record.

5. We have considered the matter in the light of the material on records and submissions made by the learned counsel for the parties.

6. On perusal of the proceedings of the District Revenue Officer, North Arcot, Vellore in RC.C4.148843/79 dated Nil, it is seen that originally Survey No.540 Aliyabad Village, Kalambur Taluk is classified as 'Kuttai Poromboke'. The total extent of the land was 2.17 acres. Out of this 0.04 acres has been sub divided in S.No.540/2 and alienated to Kalambur agricultural service Co-operative Society for the purpose of constructing office building and godown for the societies. The total areas available in S.No.540 is 2.17 acres, leaving 1.77 acres to the Town Panchayat, Kalambur. The remaining 1.74 acres of land retained as 'kuttai' as per newly sub divided S.No.540/3 and 0.03 acres in S.No.540/1 are reported to be sufficient or reserved for the extension of Kalambur bus stand. Subsequently, in that vacant place TAHDCO Shops, Public Water Tank, Village Administrative Office, Government Panchayat Union Primary School and Public Toilet Building were constructed. Further, in the interest of larger public residents of the panchayat and to facilitate the agriculturist for marketing their production, shops are proposed to be constructed. We find no fault on the part of the 6<sup>th</sup> respondent for the proposed construction of Vegetable Vending Shops for the benefit of the poor agriculturists residing in



that panchayat. We find no merits in the Writ Petition.

7. In the result, the Writ Petition stands dismissed. Consequently, connected miscellaneous petition is closed. No costs.

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Sd/-  
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vsn

To

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RR(CO)  
RGA(22/12/2021)