



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2021

CORAM:

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

W.P.No.24795 of 2021
and
W.M.P.No.26083 of 2021

D.Jayaraman

...Petitioner

Vs.

- 1.The District Collector,
Office of District Collector,
Thiruvallur,
Thiruvallur District.
- 2.The Revenue Divisional Officer,
Office of Revenue Divisional Officer,
Tiruttani,
Thiruvallur District.
- 3.The Tahsildar,
Office of Tahsildar,
Tiruttani,
Thiruvallur District.
- 4.The Executive Engineer,
Public Works Department,
Office of Executive Engineer,
Thiruvallur,
Thiruvallur District.
- 5.The Joint Director Agriculture,
Office of Joint Director of Agriculture,
Kakkalur,
Thiruvallur,
Thiruvallur District.



6. Assistant Director,
Office of Assistant Director,
Thriuvallangadu,
Thiruvallur District.

7. The Block Development Officer,
Office of Block Development Office,
Thiruvallangadu,
Thiruvallur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents 1 to 3 and 7 to remove the 6th respondent illegal construction office in village natham Temple land old Survey No.163, New Survey No.266/27, 28 Kanakammachatram Village, Panapakkam, Tiruttani Taluk, Thiruvallur District.

For petitioner : Mr.C.Venkatesan

For respondents : Mr.L.S.M.Hasan Fizal
Additional Government Pleader
(for R1 to R6)
Mr.S.J.Mohammed Sathick
Standing Counsel (for R7)

ORDER

(The Order of the Court was made by K.KALYANASUNDARAM,J)

Heard Mr.C.Venkatesan, learned counsel for the petitioner, Mr.L.S.M.Hasan Fizal, learned Additional Government Pleader appearing for the respondents 1 to 6 and Mr.S.J.Mohammed Sathick, learned Standing Counsel appearing for the respondent 7.

2.The petitioner has come forward with this writ petition seeking for issuance of a Writ of Mandamus directing the respondents 1 to 3 and 7 to remove the illegal construction put up by the sixth respondent at old Survey No.163, New Survey No.266/27, 28 of Kanakammachatram Village, Panapakkam, Tiruttani Taluk, Thiruvallur District.

3.The petitioner would claim that a Temple called as Kanakamma Vinayakar Temple was constructed at Panapakkam and it was being maintained by his father and thereafter, by his brother. After their demise, he has been maintaining and protecting the Temple. The grievance expressed by the



petitioner is that the 6th respondent is constructing a building encroaching upon the Temple land. Though a representation was given to the respondents, but they have not taken any action.

4.The third respondent has filed a status report, in which, he has been stated that the land in S.No.163/41, Panapakkam Village had total extent of 2.86.5 Hectares and it was classified as 'Grama Natham'. During Natham Settlement Scheme in the year 1994, the land was sub-divided into S.No.261/1 to 268/21. The land measuring to an extent of 156 square meters in S.No.266/27 was allotted to the Agricultural Department for the purpose of construction of Godown and the land measuring to an extent of 538 square meters in S.No.266/28 was allotted to the Temple and Over Head Tank.

5.Mr.L.S.M.Hasan Fizal, learned Additional Government Pleader representing the respondents 1 to 6 would state that in the year 1994 itself, the 6th respondent had constructed a building. Since it is in a dilapidated condition, the 6th respondent has decided to remove the old construction and to put up new construction. It is the submission of the learned Additional Government Pleader that the 6th respondent has not encroached upon the land, which was allotted to the Temple. In support of his contention, the learned Additional Government Pleader has produced 'A' Register and Adangal.

6.In the light of the submission of the learned Additional Government Pleader, we are of the considered opinion that the apprehension of the petitioner that the respondents will encroach on the property allotted to the Temple is unfounded. Hence, this Writ Petition is closed. No costs. Consequently, connected miscellaneous petition is also closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

skn
To

1.The District Collector,
Office of District Collector,
Thiruvallur,
Thiruvallur District.



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- 4.The Executive Engineer,
Public Works Department,
Office of Executive Engineer,
Thiruvallur,
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- 5.The Joint Director Agriculture,
Office of Joint Director of Agriculture,
Kakkalur,
Thiruvallur,
Thiruvallur District.
- 6.Assistant Director,
Office of Assistant Director,
Thiruvallangadu,
Thiruvallur District.
- 7.The Block Development Officer,
Office of Block Development Office,
Thiruvallangadu,
Thiruvallur District.

+lcc to the Government Pleader Sr.62242
+lcc to Mr.C.Venkatesan, Advocate Sr.61772

W.P.No.24795 of 2021
and
W.M.P.No.26083 of 2021

pa[co]
srg 14/12/2021