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W.P.No.12060 of 2016

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 17.06.2022**

**CORAM**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**W.P.No.12060 of 2016**  
**and WMP.No.10426 of 2016**

D.Natesan

... Petitioner

Vs.

1.The District Collector,  
Thiruvannamalai District,  
Thiruvannamalai.

2.The Tahsildar,  
Cheyyar Taluk,  
Thiruvannamalai District.

3.The Block Development Officer,  
Cheyyar Taluk,  
Thiruvannamalai District.

4.The President,  
Perungalathur Village Panchayat,  
Cheyyar Taluk,  
Thiruvannamalai District.

... Respondents

**PRAYER:** This Writ Petition filed under Section 226 of Constitution of India, pleaded to issue a Writ of Certiorarified Mandamus call for the records relevant to the proceedings in Na. Ka. M4/18476/2015 dt 4.3.2016 passed by the 1st respondent and quash the same as illegal improper and against the natural justice and thereby directing the respondents to remove the Anganvadi Noon



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Meal Centre, constructed in the petitioners property in S. No. 81/6, Perungalathur Village, Cheyyar Taluk, Thiruvannamalai District, to an extent of 10.7m East West 4.6m North South and to handover the vacant land to the petitioner.

For Petitioner : Mr.M.V.Muralidaran

For Respondents : Mr.Yogesh Kanndasan  
Special Government Pleader

### **Order**

The petitioner has filed this petition for issuance of writ of Certiorarified Mandamus to call for the records relating to the proceedings passed by the 1st respondent and quash the same and direct the respondents to remove the Anganvadi Noon Meal Centre constructed in the petitioners property.

2. The case of the petitioner is that the petitioner is the absolute owner of the property in S.F.No.81/6, Perungalathur Village, Cheyyar Taluk, Thiruvannamalai District, admeasuring an extent of 5  $\frac{3}{4}$  cents of land and he is in possession and enjoyment of the same and he also got patta in his name. While being so, in the year 2000-2001, the 3<sup>rd</sup> respondent directed the authority concerned to put up the Anganvadi Noon Meal Centre in the petitioner's property and the petitioner has not been served with any notice in that regard.



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Therefore, the petitioner in the year 2001, has given a representations to the 3<sup>rd</sup>

respondent to not to put up any construction in his land. In spite of his objection, the construction was made. It is further alleged by the petitioner that if the respondents want to acquire his land, they should invoke appropriate Land Acquisition Act by giving proper notice. Thereafter, the petitioner also approached this Court and filed W.P.No.213/2013 to remove the Anganvadi Noon Meal Centre constructed in the petitioner's property, wherein the petitioner was directed to make a representation to the concerned respondent and the said official was directed to dispose of the same. Accordingly, the 2<sup>nd</sup> respondent herein, after considering the entire materials, held that the Anganvadi Noon Meal Center was constructed in his patta land wrongly and therefore, it has to be removed. Against the said order of the 2<sup>nd</sup> respondent, the 3<sup>rd</sup> respondent has preferred appeal before the 1<sup>st</sup> respondent, wherein the 1<sup>st</sup> respondent vide impugned order held that removing of the Anganvadi is highly impossible and therefore, alternative proposal was recommended by the Sub Collector through his proceedings dated 07.08.2015 that instead of the said extent of land where the Anganvadi was constructed, alternative site land in S.F.No.137/2, New S.F.No.137/3 out of 0.02.5 hectares 0.60 sq.m was allotted in favour of the petitioner and further the 1<sup>st</sup> respondent has also reversed the finding of the 2<sup>nd</sup> respondent by setting aside the same. Aggrieved by the same,



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the petitioner is before this Court.

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3. The learned counsel appearing for the petitioner submitted that it is true that the patta was granted in favour of the petitioner in the year 1990 and thereafter, the Anganvadi Centre was constructed in the year 2001 and though the petitioner not taken effective steps to prevent the construction of Anganvadi at the relevant point of time, thereafter he made representation to remove the same, and further the said representation was also fruitfully considered by the Tahsildar and thereafter, the same was set aside by the District Collector, who also directed the respondents to allot alternative site in S.F.No.137/2, admeasuring an extent of 40 sq.ft. It is further submitted by the learned counsel appearing for the petitioner that the said survey number is not fit for human habitation and hence this Court may permit the petitioner to make fresh representation for allotment of alternate site in the place fit for human habitation and prays for appropriate orders in that regard.

4. The learned Special Government Pleader appearing for the official respondents has no serious objection for the said order being passed and submitted that if any such fresh representation is received, it will be considered in the manner known to law.



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5. In view of the limited prayer sought for in the Writ Petition, and considering the facts and circumstances of the case, this Court without interfering with the impugned order and without disturbing the location of Anganvadi Centre, is inclined to grant permission to the petitioner to make representation to the District Collector for allotment of alternate site in some other land and if any such representation is received, the 1<sup>st</sup> respondent District Collector is directed to consider the same within a period of twelve weeks from the date of receipt of a copy of the representation.

6. This Writ Petition is disposed of with the above terms. No costs. Consequently connected miscellaneous petition is closed.

**17.06.2022**

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**M.DHANDAPANI,J.**

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To

- 1.The District Collector,  
Thiruvannamalai District,  
Thiruvannamalai.
- 2.The Tahsildar,  
Cheyyar Taluk,  
Thiruvannamalai District.
- 3.The Block Development Officer,  
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