



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2022

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THE HONOURABLE MR.JUSTICE T.RAJA

and

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P.No.2287 of 2022

V.Dhandapani

...Petitioner

-vs-

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. The District Revenue Officer,
Kancheepuram District,
Kancheepuram.
3. The Tahsildar,
Office of the Thiruperumbudur Taluk,
Thiruperumbudur Taluk & Post,
Thiruperumbudur.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation dated 09.12.2021 and consequently, forbearing the respondents herein, their men, agents, servants, subordinates or any other person or persons claiming through them or authorized by them from in any manner interfering with the peaceful possession and enjoyment of an extent of 0.78 cents comprised in Survey No.365, Palanjur Village, Mevalurkuppam, Thiruperumbudur Taluk, Kanchipuram District or allotting the same to any authorities.

For Petitioner : Mr.N.Srivasulu

For Respondents : Mr.K.V.Sajeevkumar,
Spl.G.P.



ORDER

(Order of the Court was made by T.RAJA, J.)

WEB COPY This Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation dated 09.12.2021 and consequently, forbearing the respondents herein, their men, agents, servants, subordinates or any other person or persons claiming through them or authorized by them from in any manner interfering with the peaceful possession and enjoyment of an extent of 0.78 cents comprised in Survey No.365, Palanjur Village, Mevalurkuppam, Thiruperumbudur Taluk, Kanchipuram District or allotting the same to any authorities.

2. The matter was listed to-day under the caption, 'for admission'.

3. Learned Counsel appearing for the petitioner would submit that the petitioner is the owner of the properties situated at No.28, Kuthampakkam Village, Survey No.798/1B for an extent of 1.66 cents and S.No.798/1A for an extent of 0.6 cents in all total 1.72 acres vide Patta No.756 which were purchased by him through a registered Sale Deed dated 25.02.1991 bearing Document No.867/1991 of Sub-Registrar Office, Poonamallee. Since the said lands have been using for agricultural purpose by the petitioner's vendor, therefore, the petitioner also, after purchasing of the same, has been doing cultivation and the main access to his property is only through the land bearing Survey No.365, Pazhanjur Village, now called as Papanchathram comes under Sriperumbudhur Revenue Division, for an extent of 0.78 cents. When the petitioner has purchased the land covered in Survey No.365 including the 0.78 cents on 25.02.1991 under a registered Sale Deed Document No.868/1991 from the same vendor of the property, he has been issued with a notice from the Revenue Inspector, Thandalam Circle, Thiruperumbudur Division, Kancheepuram District on 24.07.2021 seeking an explanation within 15 days as to why he should not be dispossessed from the land-in-question for an extent of 0.78 cents in Survey No.365. The petitioner has given an explanation on 07.08.2021 in person and later on, sent representations through Registered Post with Acknowledgment Due on 09.12.2021 to the respondents and the same have also been duly acknowledged.

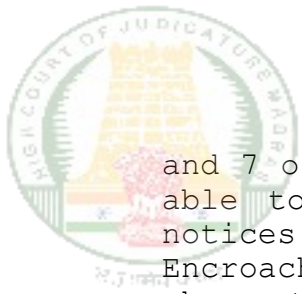
4. Learned Counsel for the petitioner would further submit that even on an earlier occasion i.e. on 12.08.2013, the petitioner has given a representation to the Hon'ble Chief Minister Grievance Cell and also to the respondents requesting them to direct the 3rd respondent to inspect the subject matter of the property i.e. 0.78 cents which is the only one access to his agricultural land. Again the Tahsildar, Thiruperumbudhur has also given a notice dated 20.10.2021 directing him to hand



over the land of 0.78 cents and subsequently, a public notice dated 07.11.2021 was issued by the Revenue Inspector, Vallam, Thandalam Firka Circle, Thiruperumbudhur Division informing about the upcoming of Avadi Police Commissionerate Armed Reserve Complex in Survey No.365, Mevalur Kuppam, Thiruperumbudhur Taluk, Kancheepuram District. It is very clear that the petitioner has purchased the land-in-question as a bonafide purchaser. Therefore, his request for directing the 3rd respondent to inspect the subject matter of the land whether it is only an access to the petitioner's agricultural land cannot be refused. In case, if the inspection notice shows that 0.78 cents of land said to have been in possession of the petitioner is only the access to the petitioner's agricultural land, he cannot be dispossessed, otherwise, the petitioner cannot continue the agricultural activities.

5. Mr.K.V.Sajeevkumar, learned Special Government Pleader taking notice for the respondents, opposing the above prayer would submit that the petitioner has come to this court belatedly and now much water has been flown. The land-in-question having an extent of 0.78 cents in Survey No.365 has already been taken possession and handed over to the newly created Avadi Police Commissionerate Armed Reserve Complex and compound wall has also been put up. The learned Special Government Pleader would further submit that the petitioner has purchased the land from his vendor including 0.78 cents which is a common passage to reach his agricultural land having an extent of 1.72 acres is without any substance. The reason being that before purchasing the land, he should have verified from the Sub-Registrar Office by applying for Encumbrance Certificate whether the controversial land having an extent of 0.78 cents in Survey No.365 is free from all encumbrances.

6. In this regard, the learned Counsel on either side brought to our notice page No.61 of the typed set of papers, a Notice dated 24.07.2021 issued by the Revenue Inspector, Thandalam Circle, Sriperumbudur Taluk, Kancheepuram District which also shows that Survey No.365 having a total extent of 14.67.0 hectare is 'Anatheenam' land and in the said land, 0.32.0 hectare, namely, 78 cents have been used as a passage. Even the proceedings dated 16.12.2021 issued by the District Collector, Kancheepuram also speaks that in the Survey No.365 having a total extent of 14.67.0 hectare, namely, 78 cents are used only as 'Government Punjai Anatheenam'. This apart, the petitioner was also on an earlier occasion issued with a notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, to remove the encroachment put up in 78 cents in Survey No.365 on 24.07.2021. The petitioner has also given his explanation and the same was duly considered and thereafter, once again, another notice under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 has been given on 20.10.2021. Therefore, when notices have been served on the petitioner under Sections 6



and 7 of the Act followed by the present impugned notice, we are able to see that the petitioner has not questioned the other notices issued under Sections 6 and 7 of the Tamil Nadu Land Encroachment Act, 1905. Hence, since the records would clearly show that the land-in-question in Survey No.365 is a 'Government Punjai Anatheenam'', we are not inclined to interfere with the same.

7. In the result, the Writ Petition fails and the same is accordingly dismissed. No costs.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. The District Revenue Officer,
Kancheepuram District,
Kancheepuram.
3. The Tahsildar,
Office of the Thiruperumbadur Taluk,
Thiruperumbadur Taluk & Post,
Thiruperumbadur.

+lcc to Mr.N.Srinivasulu, Advocate SR. No.8958

W.P.No.2287/2022

PMK (CO)
PR (28/03/2022)