



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO. 34890 OF 2015

AND

W.M.P.NO. 641 OF 2016

1. Poonkolali
2. Krishnan
3. Kalyani
4. Padma
5. Indira
6. Nalini

...Petitioners

Vs

1. The Government of Tamil Nadu,
Represented by its Secretary,
Revenue Department,
Fort St. George, Chennai - 600 009.
2. The District Collector,
Thiruvallur District, Thiruvallur.
3. The Tahsildhar,
Madhavaram Taluk,
Madhavaram, Chennai.
4. Commissioner of Police,
Chennai City Police, Chennai.
5. M/s.Unique Engineering Works,
No.89/24/25, Sadayankuppam Main Road,
Andalkuppam, Ponneri Taluk, Thiruvallur District.
6. The Jayasamy Steels Private Limited,
No.29/4, Sadyankuppam Road,
Andalkuppam, Ponneri Taluk,
Thiruvallur District.
7. The Hari Om Electronics,
No.113, Sadayankuppam Road,
Andalkuppam, Ponneri Taluk
Thiruvallur District.



8. M/s.Ram Industries,
No.16, Phase II,
Andalkuppam, Ponneri Taluk,
Thiruvallur District.

WEB COPY

..Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents No.1 to 5 to remove the illegal occupation made by the respondent 6 to 8 which was allotted to the petitioners at Sadayankuppam Villlage for building houses based on the petitioner representation dated 29.08.2015.

For Petitioners	: Mr.Jugal Kumar
For Respondents 1 to 4	: Mr.T.Venkateshkumar Special Government Pleader
For Respondent 7	: Mr.M.Rajasekhar
For Respondent 8	: Mr.K.Raju
For Respondents 5 & 6	: No appearance

O R D E R

The relief sought for in the present writ petition is to direct the respondents 1 to 5 to remove the illegal occupation made by the respondents 6 to 8 which was allotted to the petitioners at Sadayankuppam Village for building houses based on the petitioners' representation dated 29.08.2015.

2. The petitioners are not seeking remove the encroachers and in such circumstances, the writ Court would be in a position to consider the relief. The relief sought for in the present writ petition is to direct the respondents 1 to 5 to remove the illegal occupation made by the respondents 6 to 8 which was allotted to the petitioners. Thus, the petitioners claim right over the property which is in occupation of the respondents 6 to 8. When the right over of the property is claimed by the petitioners against the respondents 6 to 8, the competent Forum would be the Civil Court of Law and not the writ proceedings under Articles 226 of the Constitution of India. No doubt, if any encroachment of Government land or public road is found, then the authorities are bound to evict those encroachers.

3. Contrarily the petitioners claim in respect of the property under the occupation of the respondents 6 to 8.



Therefore, the petitioners are at liberty to work out their remedy in the manner known to law before the competent Court.

4. With these observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

nti/AP

To

1. The Secretary,
Government of Tamil Nadu,
Revenue Department,
Fort St. George, Chennai - 600 009.
2. The District Collector,
Thiruvallur District, Thiruvallur.
3. The Tahsildhar,
Madhavaram Taluk,
Madhavaram, Chennai.
4. The Commissioner of Police,
Chennai City Police, Chennai.

+1cc to the Government Pleader, S.R.No.3721

W.P.No. 34890 of 2015

PCH(CO)

RLP(09/02/2022)