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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21-01-2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.36605 of 2015

And

MP No.1 of 2015

Tamil Nadu Most Back Ward Classes
Welfare Association represented by its
General Secretary,
Mr.J.Balaji,
At No.182, 12th Papammal Street,
G.K.M.Colony,
Chennai-82.

.. Petitioner

vs.

1.The Village Administrative Officer,
Thazhambur Village,
Kancheepuram District.

2.President,
Panchayet Board,
Thazhambur Village,
Kancheepuram District.

.. Respondents

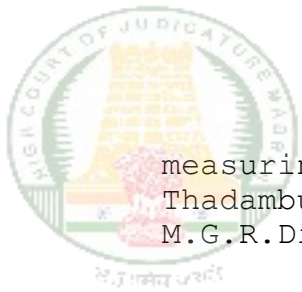
Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, forbearing the respondents 1 and 2 from interfering with the lawful and peaceful possession and enjoyment of the property measuring 20 acres 44 cents in O.S.No.245 in N.S.No.100 at 31, in Thazhambur Village, Kancheepuram District (Old Chengai M.G.R. District).

For Petitioner : Mr.S.Muthudurai

For Respondents : Mr.T.Venkateshkumar,
Special Government Pleader.

O R D E R

The relief sought for in the present writ petition is to forbear the respondents 1 and 2 from interfering with the lawful and peaceful possession and enjoyment of the property



measuring 20 acres 44 cents in O.S.N.245 in N.S.No.100 at 31, in Thadambur Village, Kancheepuram District (Old Chengai M.G.R.District).

2. The petitioner-Association states that it is a Society registered under the Societies Registration Act. The main object of the petitioner-Association is to promote the welfare of 30 Most Backward Communities in the field of education, employment, business and house accommodation.

3. The petitioner-Association entered into an agreement of Sale with one Mr.Sathyanarayana Reddy on 09.01.1995 in respect of dry punja land measuring about 20 acres 44 cents in old S.No.245 in N.S. No.100 at 31 in Patta No.1, Thazhambur Village in Kancheepuram District (Old Chengai M.G.R. District). The entire sale consideration was paid to the Vendor and the lands were sold to various persons belonging to the Most Backward Communities under duly registered Sale Deeds.

4. The Official of the Thazhambur Panchayat and the Village Administrative Officer came to the subject land and informed the purchasers that they should vacate their lands, since the Panchayat is going to take over their lands for some public purposes. However, no notice was issued to the purchasers or to the petitioner-Association. The petitioner filed the present writ petition on the apprehension that the respondents may interfere with the peaceful possession and enjoyment of the said property.

5. If at all the petitioner claims that it is a private property and if any dispute arises, then they are bound to approach the Competent Civil Court of Law for establishing their civil rights. If the lands in possession of the petitioner are Government poramboke or otherwise, then the Authorities are empowered to initiate all actions by following the procedures contemplated under Land Encroachments Act or any other relevant Statutes. However, the civil rights of the parties in respect of immovable property cannot be crystallised in the writ proceedings under Article 226 of the Constitution of India.

6. Thus, it is for the petitioner-Association to establish their ownership and title in respect of the property and in the event of not taking any action, then they are bound to defend their case in the manner known to law. But in the present case, no such notice or action has been initiated by the respondents. Therefore, the writ petition is filed merely based on the apprehension and thus, no further consideration needs to be undertaken in respect of the grounds raised in the present writ petition.



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7. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(CS-VI)

//True copy//

Sub Assistant Registrar

Svn

To

1.The Village Administrative Officer,
Thazhambur Village,
Kancheepuram District.

2.President,
Panchayet Board,
Thazhambur Village,
Kancheepuram District.

+1cc to Government Pleader SR.No.4315

WP 36605 of 2015

GPL(CO)

GMV(04/02/2022)