



WEB COPY



W.P.No.11646 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 15.09.2022

CORAM

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

W.P.No.11646 of 2020

W.M.P.Nos.14279, 14280, 14300 of 2020

K.Shanmugavel Mudaliar,

S/o.Late P.S.Kumarasami Mudaliar.

... Petitioner

/versus/

1. The Secretary,
Government of Tamil Nadu,
Department of Local Administration,
Fort St. George, Chennai – 9.
2. The District Collector,
Chengalpattu District.
3. The Tahsildar,
Pallavaram Taluk,
Chennai – 44.
4. The Commissioner,
Punitha Thomaiyarmalai Panchayat Union,
Chittalapakkam, Chennai – 64.
5. The Block Development Officer,
Punitha Thomaiyarmalai Panchayat Union,
Chittalapakkam, Chennai – 64.



W.P.No.11646 of 2020

6. The Executive Authority/President,
Pozhichalur 1st Grade Panchayat,
Pozhichalur, Chennai – 600 074.

7. The Commissioner of Police,
Greater Chennai, Veperi, Chennai – 78.

8. The Inspector of Police,
S6, Shankar Nagar Police Station,
Pammal, Chennai – 75.

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the 5th respondent in Na.Ka.No.47/2020/B1, dated 04.06.2020 and 11.06.2020, quash the same and consequently direct the 7th and 8th respondent to provide police aid/protection to the petitioner and his family members based on the complaint dated 22.06.2020 & 06.07.2020 at their expenses for carrying out construction at the 1st floor as per building plan approval granted House and shops, Office, by the 5th respondent on the land Grama Natham comprised in Old Survey No.210/2, New Survey No.377/1, extent 5304 square feet land in Pozhichallur Village, Pallavam Taluk, Chengalpattu District, on the ground that the Gramanatham S.No.210/2 property is a private property, irrespective of any buildings, sheds are constructed or not such site it never vest with the Government or Panchayat property and pass order.

For Petitioner

: Mr.M.Selvam

For R1 to R6

: Mr.R.Kumaravel
Additional Government Pleader



WEB COPY



W.P.No.11646 of 2020

For R7 to R8

: Mr.S.Suganthan,
Government Advocate (Crl.Side).

ORDER

The dispute centres around 5304 sq.ft of land in old S.No.210/2, New S.No.377/1 in Pozhichallur Village, Pallavaram Taluk, Chengalpattu District which is the subject matter of this Writ Petition. Alleging that, the said land is a Natham Poramboke and the petitioner herein has constructed commercial complex illegally in the ground floor and making preparation to make additional floor. The Block Development Officer has intimated the Inspector of Police, Shankar Nagar Police Station, Pammal, Chennai, to take action against the petitioner herein and prevent him from putting up additional construction.

2. The said communication is challenged in this Writ petition. In addition, the petitioner has also sought Police Protection to carry out the construction on the ground that the said land is in the possession of his ancestral for a long time. The Village Administrative Officer, Pozhichalur, has certified that the property is in possession of the petitioner and further contending that the Writ Petition seeking Patta for the land is pending. As far as construction of the 2nd floor, the petitioner has obtained proper planning permission and therefore



W.P.No.11646 of 2020

constructed in long ago. Contending that the communication of the BDO to the Police to stop construction is illegal and liable to be quashed since it is given without proper verification of the Revenue Records and pendency of the writ proceedings.

3. Pending Writ Petition, interim protection was granted in W.M.P.Nos.14279, 14280 and 14300 of 2020 and when this case taken up for consideration, detailed counter has been filed by the State stating that, the petitioner herein is not entitled to occupy the land, which has declared as Natham Poramboke. However, in spite of objection from the Villagers and the Revenue Authority, by virtue of the Court Order, the petitioner herein has already completed the 2nd floor occupying Government Poramboke Land. Thus, the relief sought in this Writ petition has become infructuous.

4. This Court, on considering the nature of the relief in this Petition and the present status of the land and building put up by the petitioner, disposed of this Writ Petition as infructuous, without prejudice to the right of the parties to agitate their cause in the pending W.P.No.7594 of 2011 filed by the petitioner herein.



W.P.No.11646 of 2020

WEB COPY

5. With the above observation, this *Writ Petition is disposed of*. No costs. Consequently, connected Miscellaneous Petitions are closed.

15.09.2022

Index : Yes/No.
Internet : Yes/No.
bsm

To,

1. The Secretary,
Government of Tamil Nadu,
Department of Local Administration,
Fort St. George, Chennai – 9.
2. The District Collector, Chengalpattu District.
3. The Tahsildar, Pallavaram Taluk, Chennai – 44.
4. The Commissioner, Punitha Thomaiyarmalai Panchayat Union,
Chittalapakkam, Chennai – 64.
5. The Block Development Officer,
Punitha Thomaiyarmalai Panchayat Union,
Chittalapakkam, Chennai – 64.
6. The Executive Authority/President,
Pozhichalur 1st Grade Panchayat, Pozhichalur, Chennai – 600 074.
7. The Commissioner of Police,

Page No.5/7



W.P.No.11646 of 2020

Greater Chennai, Veperi, Chennai – 78.

8. The Inspector of Police,
S6, Shankar Nagar Police Station,
Pammal, Chennai – 75.



WEB COPY



W.P.No.11646 of 2020

Dr.G.JAYACHANDRAN,J.

bsm

W.P.No.11646 of 2020

15.09.2022