



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2022

WEB COPY

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.30851 to 30854 of 2014

and

M.P.Nos.1,1,1,1 of 2014

- | | |
|---------------|---------------------------------------|
| 1. R.Devadass | ...Petitioner in W.P.No.30851 of 2014 |
| 2. R.Lakshmi | ...Petitioner in W.P.No.30852 of 2014 |
| 3. G.uma | ...Petitioner in W.P.No.30853 of 2014 |
| 4. P.Mahadevi | ...Petitioner in W.P.No.30854 of 2014 |

Vs

- | | |
|--|--------------------------|
| 1. The District Collector,
Office of the District Collector,
Thiruvallur,
Thiruvallur District. | |
| 2. The Commissioner Corporation of Chennai,
Chennai,
Chennai District. | |
| 3. The Thasildhar,
Office of the Thasildhar,
Ambattur,
Chennai. | ..Respondents in all WPs |

PRAYER in W.P.No.30851 of 2014 : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Mandamus, forbearing the respondents from demolishing the dispossessing the petitioner from his property situated in Survey No.249, in Door No.37, 1st Cross Street, Sri Krishna Nagar, Kusavan Manium, Nerkundram Village, Ambattur Taluk to an extent of 810 sq ft. and pending representation of the petitioner dated 17.11.2014.



PRAYER in W.P.No.30852 of 2014 : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Mandamus, forbearing the respondents from demolishing the dispossessing the petitioner from his property situated in Survey No.249, in Door No.36B, 1st Cross Street, Sri Krishna Nagar, Kusavan Manium, Nerkundram Village, Ambattur Taluk to an extent of 750 sq ft. and pending representation of the petitioner dated 17.11.2014.

PRAYER in W.P.No.30853 of 2014 : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Mandamus, forbearing the respondents from demolishing the dispossessing the petitioner from his property situated in Survey No.249, in Door No.15, 2nd Cross Street, Sri Krishna Nagar, Kusavan Manium, Nerkundram Village, Ambattur Taluk to an extent of 1200 sq ft. and pending representation of the petitioner dated 17.11.2014.

PRAYER in W.P.No.30854 of 2014 : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Mandamus, forbearing the respondents from demolishing the dispossessing the petitioner from his property situated in Survey No.249, in Door No.26, 2nd Cross Street, Sri Krishna Nagar, Kusavan Manium, Nerkundram Village, Ambattur Taluk to an extent of 1200 sq ft. and pending representation of the petitioner dated 17.11.2014.

For Petitioner : M/s.Jayalakshmi
[in all WPs] for Mr.M.Rajasekhar

For Respondents 1 & 3 : Mr.T.Venkatesh Kumar
[in all WPs] Special Government Pleader

For Respondent 2 : Mr.M.Ganesan

COMMON ORDER

The issues involved in these writ petitions are one and the same. Hence, they are disposed of by this common order.

2. The relief sought for in W.P.No.30851 of 2014 is to forbear the respondents from demolishing the dispossessing the petitioner from his property situated in Survey No.249, in Door No.37, 1st Cross Street, Sri Krishna Nagar, Kusavan Manium, Nerkundram Village, Ambattur Taluk to an extent of 810 sq ft. and pending representation of the petitioner dated 17.11.2014.

2.1. The relief sought for in W.P.No.30852 of 2014 is to forbear the respondents from demolishing the dispossessing the petitioner from his property situated in Survey No.249, in Door



No.36B, 1st Cross Street, Sri Krishna Nagar, Kusavan Manium, Nerkundram Village, Ambattur Taluk to an extent of 750 sq ft. and pending representation of the petitioner dated 17.11.2014.

2.2. The relief sought for in W.P.No.30853 of 2014 is to forbear the respondents from demolishing the dispossessing the petitioner from his property situated in Survey No.249, in Door No.15, 2nd Cross Street, Sri Krishna Nagar, Kusavan Manium, Nerkundram Village, Ambattur Taluk to an extent of 1200 sq ft. and pending representation of the petitioner dated 17.11.2014.

2.3. The relief sought for in W.P.No.30854 of 2014 is to forbearing the respondents from demolishing the dispossessing the petitioner from his property situated in Survey No.249, in Door No.26, 2nd Cross Street, Sri Krishna Nagar, Kusavan Manium, Nerkundram Village, Ambattur Taluk to an extent of 1200 sq ft. and pending representation of the petitioner dated 17.11.2014.

3. However, it is not made clear, whether the petitioners are the owners of the property or not. Thus, the authorities are bound to ascertain, whether the petitioners are encroachers in occupation of the Government Poramboke land or otherwise. When the petitioners are encroachers, then they are liable to be evicted by following the procedures as contemplated under the Tamil Nadu Land Encroachment Act, 1905. However, the petitioners possess title documents, they have to approach the competent Civil Court for establishing their rights. However, in the present cases, the petitioners have not established nor produced any document to show that they are the owners of the property. Mere payment of property tax or electricity charges will not confer any right of ownership and property. The respondents are bound to ascertain whether the petitioners are encroachers or not. If they are encroachers and the land belongs to the Government, then all such encroachers are liable to be evicted.

4. This being the principles to be followed, the petitioners have not established even a semblance of legal right for the purpose of granting the relief as such sought for in the present writ petitions.

5. Accordingly, all the writ petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-V)

//True copy//

Sub Assistant Registrar



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To

1. The District Collector,
Office of the District Collector,
Thiruvallur,
Thiruvallur District.
2. The Commissioner Corporation of Chennai,
Chennai,
Chennai District.
3. The Thasildhar,
Office of the Thasildhar,
Ambattur,
Chennai.

+1cc to Mr.M.Ganesan, Advocate SR.No.3753

+1cc to Government Pleader SR.No.4311

W.P.Nos.30851 to 30854 of 2014

MT (CO)
GMY (08/02/2022)