

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2022

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. No. 21840 of 2017

and

W.M.P. Nos. 22845 and 22846 of 2017

K.Govindarajan

...

Petitioner

-vs-

1. The District Collector  
Thiruvallur District  
Thiruvallur.
2. The District Revenue Officer  
Office of the District Collector  
Thiruvallur.
3. The Tahsildar  
Ambattur Taluk  
Ambattur, Chennai - 600 053.
4. The Commissioner of Land  
Reforms and Administration  
Office of Commissionerate of Land Reforms  
Ezhilagam, Chepauk  
Chennai - 600 005.
5. The Commissioner  
Greater Chennai Corporation  
Ripon Building  
Chennai - 600 003.
6. The District Collector  
Office of Collectorate of Chennai  
Singaravelan Maaligai  
Rajaji Salai  
Chennai - 600 001.
7. The District Revenue Officer (Land & Estate)  
Greater Chennai Corporation  
Ripon Building  
Chennai - 600 003.

8. The Zonal Officer

Zone VII, Greater Chennai Corporation  
Ambattur, Chennai - 600 053.

[R4 to R8 impeaded as per order  
dated 16.09.2019 in W.M.P. No.  
24185 of 2019 in W.P. No. 21840  
of 2017 by VBDJ]

9. N.Shanmugam

[R9 impeaded as per order dated  
20.02.2020 in W.M.P. No. 34753 of  
2019 in W.P. No. 21840 of 2017 by  
AQJ]

... Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the Second Respondent in Na.Ka. No. 4057/2017/Aa1 dated 30.06.2017 and quash the same and further direction direct the First to Third Respondents to provide proper and comfortable access to lands of the Petitioner in S.No. 29/1B and 2B of Padi Village, Ambattur Taluk, Thiruvallur District from MTH Road through the lands in S.No. 28 of the same Village.

For Petitioner : Mr. G.Ethirajalu

For Respondents: Mr. G.Krishnaraja (For R1 to R3)

Mrs. Karthika Ashok (For R5 to R8)

Mr. N.A.Nissar Ahmed (For R9)

O R D E R

The petition has been filed to quash the impugned order passed by the Second Respondent in Na.Ka. No. 4057/2017/Aa1 dated 30.06.2017 and consequently, direct the Respondents 1 to 3 to provide proper and comfortable access to the Petitioner's land.

2. The case of the petitioner is that he is the owner of the property in S.No.29/1B and 29/2B measuring to an extent of 0.20.0 Ares situated at Padi Village, Ambattur Taluk, Tiruvallur District and he purchased the said property from on Ranjithammal vide sale deed dated 24.10.1986. There is no pathway to reach the petitioner's land and therefore, the petitioner used the the adjacent land in S.No.28 to reach his land, which is classified

as water body poromboke, for more than 32 years. Therefore, the petitioner made a representation to the respondents for exchange of land and the same was not considered. Therefore, the petitioner filed a writ petition before this Court in W.P.no.12976 of 2010 and this Court vide its order dated 27.02.2017, had directed the respondents to consider his representation. Pursuant to which, the second respondent has passed the impugned order rejecting the petitioner's claim on the ground that the disputed land is classified as Kuttai poromboke which cannot be alienated or exchange in favour of any of private parties and further, the petitioner has to remove the encroachment in the Government poromboke land. Challenging the said order, the petitioner has filed the present writ petition before this court seeking appropriate remedy.

3. Learned counsel for the petitioner submitted that there is an effective alternative remedy available before the Commissioner of Land Administration and hence, this Court may permit the petitioner to file appeal before the Commissioner of Land Administration to take action with regard to the subject property. Hence, the impugned order passed by the second respondent has to be quashed and to allow the writ petition.

4. Learned Special Government Pleader appearing on behalf of the respondents submitted that the land in S.No.28 is classified as Kulam Poromboke and in view of the decisions of this Court in W.P.No.1294 of 2009 dated 30.10.2015 and C.A.No.3418 of 2006 dated 08.08.2006 it is the duty of the authorities to maintain the water body in order to conserve water and other natural resources. Hence, the claim made by the petitioner for exchange of lands cannot be considered and the respondents have rightly passed the impugned order, which does not warrant any interference of this Court.

5. Heard the learned counsel on either side and perused the materials available on record.

6. Admittedly, the petitioner is the owner of the larger extent of land in S.Nos.29/1B and 29/2B situated at Padi Village, Ambattur Taluk, Thiruvallur District and he established several companies in the said lands. But there is no pathway to reach the petitioner's land. Therefore, he utilized the adjacent land in S.No.28, which is classified as Kulam Poromboke. In such circumstances, the petitioner made a request to the government for exchange of properties, but, the second respondent rejected the claim made by the petitioner. The petitioner claimed that as against the said rejection order, there is an effective alternative remedy available before the Commissioner of Land Administration.

7. Considering the limited request made by the petitioner, this Court, without going into the merits of the case, permits the petitioner to file an appeal before the Commissioner of Land Administration within a period of four weeks from the date of receipt of a copy of this order. Upon receipt of such appeal, the Commissioner shall pass orders on merits as expeditiously as possible.

8. With the above direction, this writ petition is disposed of. No order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Deputy Registrar

//True Copy//

Sub Assistant Registrar

Rli

To

1. The District Collector  
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8. The Zonal Officer  
Zone VII, Greater Chennai Corporation  
Ambattur, Chennai - 600 053.

+2cc to M/s.G.Ethirajulu, Advocate, S.R.No.35070  
+1cc to M/s.Karthikaa Ashok, Advocate, S.R.No.35147  
+1cc to M/s.N.A.Nissar Ahmed, Advocate, S.R.No.35230  
+1cc to the Government Pleader, S.R.No.35917

W.P. No. 21840 of 2017

RR(CO)  
SB(19/07/2022)