

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.25757 and 25758 of 2017

And

W.M.P.Nos.27180 and 27181 of 2017

Sri Shanmuga Nagar Welfare Association

Rep. by its President

Mr.P.Dakshinamurthy

...Petitioner in W.P.25757/2017

A.Ganesan

...Petitioner in W.P.25758/2017

Vs.

1. The District Collector,
Thiruvallur District,
Thiruvallur.

2. The Tahsildar,
Maduravoyal Taluk,
Thiruvallur District.

3. The Executive Engineer
Public Works Department,
Alandur,
Chennai - 600 016.

...Respondents in both W.Ps.

Prayer in W.P.No.25757 of 2017:Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents from initiating eviction proceedings against the members of the petitioner association from the residential colony known as Sri Shanmuga Nagar comprised in Survey No.1 of 92, Noombal Village, Madhiravedu, Ambattur Taluk, presently Maduravoyal Taluk, Thiruvallur District covered by patta No.494 granted by the revenue department and consequently forbearing the respondent from in any manner interfering with the absolute possession and enjoyment of the said lands without acquisition proceedings in accordance with law and paying compensation.

Prayer in W.P.No.25758 of 2017:Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents from initiating eviction proceedings against the petitioner in respect of his property viz., Plot

No.2A, Pillayar Koil Street, Sri Shanmuga Nagar, Mathrivedu, Chennai - 600 077 situate in the residential colony known as Sri Shanmuga Nagar comprised in Survey No.1 of 92, Noombal Village, Madhiravedu, Ambattur Taluk, presently Maduravoyal Taluk, Thiruvallur District covered by patta No.494 granted by the revenue department and consequently forbearing the respondent from in any manner interfering with the absolute possession and enjoyment of the said lands without acquisition proceedings in accordance with law and paying compensation.

For Petitioners: Mr.S.Thanka Sivan
(in both Wps)

For Respondents: Mr.A.Anandan
Government Advocate

C O M M O N O R D E R

The petitioners have filed this writ petition seeking issuance of Writ of Mandamus forbearing the respondents from initiating eviction proceedings against the members of the petitioner association and petitioner respectively, in respect of the residential colony known as Sri Shanmuga Nagar comprised in Survey No.1 of 92, Noombal Village, Madhiravedu, Ambattur Taluk, presently Maduravoyal Taluk, Thiruvallur District covered by patta No.494 granted by the revenue department and consequently forbearing the respondents from in any manner interfering with the absolute possession and enjoyment of the said lands without acquisition proceedings in accordance with law and paying compensation.

2.Since the issue involved in both these writ petitions are one and the same, the are heard together and disposed of by way of a common order.

3.The case of the petitioners is that the members of the petitioner association and the petitioner respectively, are the owners of the subject property and without due process of law, the respondents are trying to interfere with the subject property.

4.The second respondent has filed counter affidavit stating that the subject property lies in Cooum River Poramboke. The river passes through villages in Thiruvallur District and reaches Chennai city and before reaching Chennai city it passes through certain villages in Maduravoyal Taluk. The upstream and downstream villages in Maduravoyal Taluk are classified as 'River Poramboke'.

5.Though the petitioners claim that the subject property is

patta land, the respondents claim that the subject property is river poramboke. Hence, the prayer sought for in these petitions cannot be granted.

6.Though the subject property is river poramboke, the respondents have to evict the members of the petitioner association and the petitioner respectively, only by following due process of law. Hence, liberty is granted to the respondents to follow due process of law before evicting the members of the petitioner association and the petitioner respectively.

7.These writ petitions are disposed of with the above observation. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

pri

To

1. The District Collector,
Thiruvallur District,
Thiruvallur.
2. The Tahsildar,
Maduravoyal Taluk,
Thiruvallur District.
3. The Executive Engineer
Public Works Department,
Alandur, Chennai - 600 016.

+1cc to M/s.S.Thanka Sivam, Advocate, S.R.No.36870

+1cc to the Government Pleader, S.R.No.37693

W.P.Nos.25757 and 25758 of 2017
And
W.M.P.Nos.27180 and 27181 of 2017

AJB(CO)
RGA(20/07/2022)