



WEB COPY



W.P.No.16962 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.16962 of 2017
and WMP.No.18411 of 2017

Thiruvannamalai Cooperative House and
Building Society Limited, rep.by
its Secretary, S.MUthukumar
No.10/21, 3rd Street, Gandhinagar,
Thiruvannamalai,
Thiruvannamalai District.

... Petitioner

Vs.

- 1.The Secretary to State Government of Tamil Nadu
Rural Development and Local
Administration Department,
St.George Town, Chennai.
- 2.The Director,
Town and Country Planning Department,
No.807, Anna Salai, Chennai 2.
- 3.The Assistant Director,
Town and Country Planning Department,
Officers Line, Vellore.
- 4.The District Collector,
Thiruvannamalai,
Thiruvannamalai District.
- 5.The Commissioner,
Thiruvannamalai Municipality,
Thiruvannamalai Town and District.



W.P.No.16962 of 2017

6.The General Manager,
Thiruvannamalai District Central Cooperative Bank Ltd.,
Sixth Street, Gandhi Nagar,
Thiruvannamalai.

... Respondents

PRAYER: This Writ Petition filed under Section 226 of Constitution of India, pleased to issue a Writ of Mandamus forbearing the respondents from interfering with the possession and enjoyment of the petitioner in the lands admeasuring 9.25 acres comprised in the following survey number viz. Survey No.183 /10, 183 /12, 186/1, 2, 3, 4 and 5 186 /10, 11, 12, 13, 191, 193/2, 4, 6, 196/1, 2 and 4, Tiruvannamalai Town and district without acquiring the land under the Town Country Planning Act 1971 or in accordance with any other law.

For Petitioner : Mr.G.Rajan
For Respondents 1 to 4 : Mr.Yogesh Kannadasan
Special Government Pleader
For Respondent-5 : Mr.P.Srinivas
For Respondent-6 : Ms.S.Anitha

ORDER

The case of the petitioner is that the petitioner Society is a Cooperative Society and there are 3724 members and 822 associate members registered with the petitioner Society and lands admeasuring 9.25 acres comprised in the following survey number viz. Survey No.183 /10, 183 /12, 186/1, 2, 3, 4 and 5 186 /10, 11, 12, 13, 191, 193/2, 4, 6, 196/1, 2 and 4, Tiruvannamalai Town and district were belonging to 22 different persons



W.P.No.16962 of 2017

and acting upon the resolution of the 5th respondent Municipality, the land owners offered the entire extent to the petitioner Society and subsequent to the purchase, the petitioner Society applied for layout approval, which was put on hold by the 5th respondent stating that the earlier G.O.Ms.No.1150 was still in force and aggrieved over the refusal of the 5th respondent and its intention to keep the land by way of an invalid acquisition under the old repealed law, the petitioner Society on an earlier occasion, had approached this Court for appropriate relief by filing various litigations and it is pending. In the meanwhile, the 5th respondent Municipality have encroached into a portion of the property and started to put up foundation for constructing ration shop and immediately the petitioner had approached the 5th respondent and given representation dated 20.06.2017 and requested to drop any further construction activities in the lands belonging to the petitioner. Depsite the objections, the construction are being carried in haste manner. Aggrieved by the same, the present writ petition is filed.

2. The learned counsel appearing for the petitioner submitted that without any acquisition proceedings, the 5th respondent Municipality have started to put up construction like a land grabber and hence this Court may



W.P.No.16962 of 2017

forbear the respondents from interfering with the possession and enjoyment of the petitioner's property without following the due process of law.

3. The learned Special Government Pleader appearing for the official respondents submitted that if the petitioner Society possesses a valid title, their possession will not be interfered with.

4. Considering the submission made by the respective learned counsels on either side, this Court is inclined to issue direction to the respondents not to interfere with the property of the petitioner Society, without recourse to due process of law.

5. This Writ Petition is disposed of with the above terms. No costs. Consequently connected miscellaneous petition is closed.

05.07.2022

sk



W.P.No.16962 of 2017

WEB COPY

To

- 1.The Superintendent of Police,
Thiruvallur District,
Thiruvallur.
- 2.The Deputy Superintendent of Police,
Thiruvallur, Thiruvallur District.
- 3.The Inspector of Police,
Anti Land Grabbing Special Wing,
Thiruvallur District.



WEB COPY



W.P.No.16962 of 2017

M.DHANDAPANI, J.

sk

W.P.No.16962 of 2017

05.07.2022