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W.P.No.34310 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2022

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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BSCPL Infrastructure Limited
(Project Name: Bollineni Hill side & co ltd)
represented by its Authorised Signatory, S.Ganesh
Nookampalayam, Perumbakkam
Sithalapakkam Link Road
Chennai 600 126 .. Petitioner

v.

1. The District Collector
Chengalpet District
Chengalpet
2. Tahsildar
Tambaram
Chengalpet District
3. Revenue Inspector
Medavakkam (Sub Circle)
Tambaram, Chengalpattu District



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4. Chennai Metropolitan Development Authority

Thalamuthu-Natarajan Maaligai

No.1, Gandhi Irwin Road

Egmore, Chennai 600 008

.. Respondents

Petition under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in Na.Ka.8464/2017/A4 dated 15.12.2022, notice dated 16.05.2022 and the notice of the 3rd respondent dated 24.02.2022 and quash the same and forbearing the respondents 1 to 3 not to interfere with the peaceful and enjoyment of their land in S.No.416/1 in Perumbakkam Village, Tambaram Circle, Chengalpet District.

For Petitioner :: Mr.M.Baskar

For Respondents :: Mr.J.Ravindran
Additional Advocate General
assisted by Mr.A.Selvendran
Special Government Pleader
for R1 to R3
Mr.C.N.Vinobha for R4

ORDER

(Order of the Court was made by the Hon'ble Acting Chief Justice)

The petitioner seeks for issuance of a writ of certiorarified mandamus calling for the records of the 2nd respondent in Na.Ka.8464/2017/A4 dated 15.12.2022, notice dated 16.05.2022 and the notice of the 3rd respondent dated 24.02.2022, quash the same with a consequential direction forbearing



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the respondents 1 to 3 from interfering with the peaceful possession and enjoyment of the land in Survey No.416/1 in Perumbakkam Village, Tambaram Circle, Chengalpet District.

2. Learned counsel appearing for the petitioner, assailing the impugned order, argued that the petitioner company is registered under the Companies Act. They have purchased around 19 acres and 22 cents in Perumbakkam Village, Tambaram Taluk comprised in Survey Nos.414/2B6, 414/2B7, 414/2B8 part (Present No.414/12 as per patta No.1028), 414/2B10, 414/2B-12, 415/1B, 415/1C, 415/2, 416/1, 416/2, 416/6, 416/7, 417/1, 417/2, 420/2 part 513 and 519 by way of registered sale deed dated 01.03.2006 bearing Document No.1744 of 2006 on the file of Sub Registrar, Tambaram from one Rukmani Ammal and 5 others for a valid consideration. The certificate of incorporation consequent upon change of name has been issued by the Government of India, Ministry of Corporate Affairs under Registrar of Companies. It is stated that the same is also enclosed in the writ petition. It is further stated that from the date of purchase of the said



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property, the petitioner has been in continuous possession, occupation and enjoyment of the same and had constructed two buildings for their office purpose and two DG electric generators in the said Survey No.416/1 of Perumbakkam Village, Tambaram Taluk, as the entire extent of land have been utilized by the petitioner. It is also the claim of the petitioner that their vendor, while proposing a layout, applied for planning permission from the then M.M.D.A and got permission in PPD/LO No.144/94 vide their planning permission No.375 dated 08.09.1995 and also obtained approval from the Commissioner, St.Thomas Mount Panchayat Union at Sithalapakkam vide building permission dated 08.09.1995 to form a layout. Therefore, it is pleaded that when the planning permission has been obtained from the then M.M.D.A in the year 1995 and the petitioner also had constructed the buildings in the said land after obtaining proper and valid approval from the authorities concerned, the impugned order stating that the unused buildings and generators, 2 and 4 in number respectively, are put up in the encroached area, is unacceptable. Therefore, the impugned order has to go.



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3. Mr.J.Ravindran, learned Additional Advocate General appearing for the respondents 1 to 3 submitted that the reply of the petitioner dated 16.12.2022 will be considered on merits and a speaking order will be passed by the Tahsildar, Tambaram within a period of one week. He also submitted that no coercive steps will be taken till then.

4. Recording the statement made by the learned Additional Advocate General that the reply of the petitioner dated 16.12.2022 will be considered on merits and a speaking order will be passed by the Tahsildar, Tambaram within a period of one week and till then, no coercive steps will be taken, the writ petition stands disposed of. It is also open to the petitioner to place any other valid document(s) in support of their claim within a period of two days, so as to enable the Tahsildar, Tambaram to pass a speaking order. Consequently, W.M.P.No.33768 of 2022 is closed. No costs.

Speaking/Non speaking order

(T.R.,A.C.J.) (D.B.C.,J.)

Index : yes/no

20.12.2022

SS



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To

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