



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.33938 of 2019

J.A.Patel

...Petitioner

Vs

1. The Collector,
Cuddalore District,
Cuddalore - 607 001.
2. The Block Development Officer,
Kurinjipadi,
Kurinjipadi Taluk,
Cuddalore District.
3. The Tahsildar,
Cuddalore,
Cuddalore - 607 001.

...Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to direct the respondents to handover possession of the property bearing New S.No.210/5 Hec. 0.40.5 = Old S.Nos.352/3A, 352/2 and 353/4 = Ac. 1.00 in Kayalpattu Village, Cuddalore Taluk, Cuddalore District, after removing the illegal super-structure to the petitioner.

For Petitioner : Mr.D.Baskar

For R1 & R3 : Mr.M.Muthusamy, Govt. Advocate

For R2 : Mr.E.Balamurugan



ORDER

This writ petition is filed to issue a Writ of Mandamus, to direct the respondents to handover possession of the property bearing New S.No.210/5 Hec. 0.40.5 = Old S.Nos.352/3A, 352/2 and 353/4 = Ac. 1.00 in Kayalpattu Village, Cuddalore Taluk, Cuddalore District, after removing the illegal super-structure to the petitioner

2.The case of the petitioner is that the land comprised in S.No.210/5 of an extent of 2.10.0 hectares, Old S.Nos.352/3A, 352/2 and 352/4, situated at Kayalpattu Village, Cuddalore Taluk, Cuddalore District, is owned by the petitioner. Under the scheme of 'Amma Poonga', the Government of Tamil Nadu intended to form parks in the Government poromboke land. However, the case of the petitioner is that the 2nd respondent constructed 'Amma Poonga' in the petitioner's land without any prior notice and without any acquisition proceedings against the subject land. Hence the petitioner gave a representation dated 13.05.2018 to the respondents.

3.On a perusal of the counter affidavit filed by the 2nd respondent, it reveals that the Government of Tamil Nadu has formulated a scheme 'Amma Park' to be implemented in the rural areas with the requisite component. The area of park is around 15000 to 20000 Sq.ft. Accordingly, in the village of Kayalpattu in Kurinjipadi Panchayat Union, the area had been selected and administrative sanction was accorded by the 1st respondent, by Reference No.A7/Na.Ka.No.2770/2016 dated 04.03.2017 with an admitted cost of Rs.20,00,000/- to form the 'Amma Park' in R.S.No.212/7. The said land is classified as 'School Poromboke' as per the Revenue Records. Therefore, no park has been constructed in the petitioner's land namely, land comprised in S.No.210/5.

4.However, the 2nd respondent directed the 3rd respondent to measure the land comprised in S.No.210/5 of an extent of 0.40.5 hectares namely, the subject land of the writ petition. By communication dated 30.12.2019, the 3rd respondent did not conduct any survey even till today, and failed to file any report before the 2nd respondent.

5.Considering the above facts and circumstances and the submissions made, as directed by the 2nd respondent, the 3rd respondent is directed to survey and measure the petitioner's land comprised in S.No.210/5 of an extent of 0.40.5 hectares within a period of four weeks from the date of receipt of a copy of this order after issuance of notice to the petitioner and counter parties, if any and after giving opportunity of hearing to them and submit the survey report to the 2nd respondent as



well as the petitioner. On receipt of the same, the 2nd respondent is directed to pass appropriate orders on merits and in accordance with law, within a period of four weeks thereafter.

6. With the above directions, this writ petition is disposed of. No costs.

Sd/-

Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

smv

To

1. The Collector,
Cuddalore District,
Cuddalore - 607 001.
2. The Block Development Officer,
Kurinjipadi,
Kurinjipadi Taluk,
Cuddalore District.
3. The Tahsildar,
Cuddalore,
Cuddalore - 607 001.

+1cc to Mr.D.Baskar, Advocate SR. No.5827
+1cc to Government Pleader SR. No. 6447

W.P.No.33938 of 2019

PMK (CO)
PR (18/02/2022)