



W.P.(MD)No.11999 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.07.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**
and
THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

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T.Vigneswaran

... Petitioner

Vs.

- 1.The Director,
Town and Country Planning/Local Authority,
No.807, Anna Salai,
Chennai.
- 2.The Joint Director / Member Secretary,
Town and Country Planning / Local Authority,
No.11, Kajamalai Main Road,
Tamarai Nagar,
Trichy – 620 023.
- 3.The Commissioner,
Trichy City Corporation,
No.58, Bharathidasan Salai,
Trichy – 620 001.
- 4.The Assistant Commissioner,
Srirangam Division,
Trichy City Corporation,
No.14, Gandhi Road, Srirengam,
Trichy – 620 005.
- 5.The Principal,
Holy Cross Girls High School,



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Main Guard Gate, Teppakulam,
Trichy – 620 002.

... Respondents

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Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the unauthorised constructions put up by the 5th respondent College in T.S. No.4, Bock No.35, T.S. Ward No.N of Srirangam Division, Trichy East Taluk, Trichy City Corporation by complying with the proceedings issued by the 1st and 2nd respondents within the time stipulated by this Hon'ble Court.

For Petitioner	: Mr.B.Jameel Arasu
For Respondents 1 & 2	: Mr.J.Ashok Additional Government Pleader
For Respondents 3 & 4	: Mr.R.Baskaran Additional Advocate General
For 5 th respondent	: Mr.VR.Shanmuganathan for Mr.P.Parthiban

ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to remove the unauthorised constructions put up by the 5th respondent College in T.S. No.4, Bock No.35, T.S. Ward No.N of Srirangam Division, Trichy



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East Taluk, Trichy City Corporation by complying with the proceedings issued by the respondents 1 and 2 within a time frame.

2. Heard Mr.B.Jameel Arasu, learned counsel for the petitioner, Mr.J.Ashok, learned Additional Government Pleader, appearing for the respondents 1 and 2 and Mr.R.Baskaran, learned Additional Advocate General, appearing for the respondents 3 and 4 and learned counsel Mr.VR.Shanmuganathan for Mr.P.Parthiban, learned counsel for the fifth respondent.

3. It is the case of the petitioner that the property comprised in Town Survey No.4, situated at Block No.35, Town Survey Ward No.N, Srirangam Division, Trichy East Taluk, Trichy City Corporation has been classified as a 'drainage' as per the Revenue Records, more fully as per the Town Survey Land Register. Stating that the fifth respondent has encroached into the Government Poramboke land, which is also classified as 'drainage channel', the above Writ Petition has been filed. It is also the case of the petitioner that the 5th respondent has also obtained building plan approval for a new college building in a waterbody, which is meant for public use.



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4. Mr.J.Ashok, learned Additional Government Pleader, appearing for respondents 1 and 2 submitted that the property, which is the subject matter in this Writ Petition, is in the enjoyment of the 5th respondent school. The first respondent has submitted before this Court the Topo Sketch in relation to the particular property, from which, it was pointed out by learned Additional Government Pleader that no channel or drainage, which is in existence or runs through the property, in which the fifth respondent has put up constructions. This submission is recorded.

5. The 5th respondent has filed a counter placing reliance on the objection as to the locus standi of the petitioner, stating that the 5th respondent has not disclosed his interest nor any personal grievance or injury. Learned counsel for the fifth respondent stated that the Writ Petition has to be dismissed as the petitioner has no locus standi. In the counter affidavit, it is specifically stated that the property in question is not owned by the 5th respondent school, but by the College. On the question of locus standi, the petitioner is unable to show how he is interested. Hence, the Writ Petition is liable to be dismissed on the ground that the petitioner has no locus standi.



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6. It is the specific case of the 5th respondent that though the College has constructed the building in 2010, that falls in a different survey number. T.S.No.4 is a small extent within the campus of Holy Cross College, in which, there is no flow of water or drainage for more than a Century. The College came into existence around 150 years back and all the constructions were old constructions constructed a century back. It is further stated that there is no flow of water or drainage of water or drainage from one point to another point within the campus and without notice of classification buildings had been put up about 100 years back. It is further stated that the classification of the land as Government Poramboke might be by mistake and hence the 5th respondent has moved the Government for re-classification and for getting patta for the land. The fifth respondent has also referred to the details with regard to their educational institution and occupation of the land for a long time.

7. Learned Additional Government Pleader appearing for the respondents 1 and 2 and learned Additional Advocate General appearing for the respondents 3 and 4 submitted that there is no drainage that runs through the land, which the 5th respondent



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has occupied and running the educational institution. Even assuming that the 5th respondent has occupied the land, which is classified as Government Poramboke, depending upon the nature of the land, it would be open to the respondents 1 to 4 to take appropriate action. The fifth respondent may also approach the Government or Revenue for patta for any portion of the land, which is in their enjoyment, if the drainage channel never existed and if they are entitled to seek assignment or patta.

8. In view of the above, this Court finds no merit in the present Writ Petition. Accordingly, the Writ Petition is dismissed. No costs.

[S.S.S.R., J.] [S.S.Y., J.]
01.07.2022

Index : Yes / No

sj

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