



WEB COPY



W.P.No.720 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.720 of 2023
and WMP No.657 of 2023

- 1.A.K.Sriram
- 2.A.K.Lakshmi
- 3.Vaidyanathan Sreeraman
- 4.Hema Vaidyanathan
- 5.Lakshmi Vaidyanathan
- 6.Sita Subramanian
- 7.A.S.Subramanian

...Petitioners

Vs

1. The President,
Cowl Bazar Village Panchayat.
Pallavaram, Chennai-600 074.
2. The District Collector,
Chengalpattu District.
3. The District Revenue Officer,
Chengalpattu District.
4. The Tahsildar,
Pallavaram,
Chennai-600 043.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents either by themselves or



W.P.No.720 of 2023

through their representatives from in any manner entering upon the lands of the petitioners measuring 2.68 acres, situated in R.S.Nos.93 (Part), 94 and 95/1 of Cowl Bazaar Village, Pallavaram Taluk, Chengalpttu District, without giving notice of proposed acquisition of land as per order dated 06.08.2021 in W.P.No.31599 of 2019.

For Petitioner : Mr.R.Bharanidharan
For Respondents : Ms.G.Velu
Addl. Government Pleader
For R.1
Mr.R.Ramanlaal,
Addl. Advocate General
Assisted by
Mr.Yogesh Kannadasan
Spl. Government Pleader

ORDER

The properties comprised in R.S.Nos.94, 95/1, 93 part, 93 part and 94 and 94 in Patta Nos.421, 221, 416 to 420 were purchased by all the seven petitioners through individual sale deeds all dated 13.12.1993. When the petitioners realise that the first respondent had attempted to interfere with their property on the ground that they intended to construct service road therein, they approached this Court and this Court, by order dated 06.08.2021 in W.P.No.31599 of 2019, had directed the official respondents to follow due procedure for acquiring their lands.



W.P.No.720 of 2023

2. It is the case of the petitioners now that the respondents are attempting to interfere in their lands for the purpose of laying pathway to the burial ground and therefore, filed the present writ petition.

3. While the learned counsel for the petitioners submits that the subject properties were purchased through valid sale deeds and they are also in possession of the properties, the respondents have no authority to interfere with their physical possession without due process of law, the learned Additional Advocate General submits that the portion of lands held by the petitioners herein, were earlier declared as surplus and after the orders of this Court, the Government had regularised the title of the lands, purchased by the petitioners 2 to 6 herein through G.O.Ms.Nos.34 Revenue and Disaster Management [ULC-I(2)] Department dated 19.01.2023; G.O.Ms.No.50 dated 30.01.2023; G.O.Ms.No.51 dated 30.01.2023 and G.O.Ms.No.52 dated 30.01.2023 and that the lands comprised under the sale deed Nos.5047/1993 and 5049/1993, belonging to the petitioners 1 and 7, are not covered under these Government Orders. It is also the submission of the learned Additional Advocate General that in view of the above Government orders, in favour of the petitioners 2 to 6, the petitioners may be directed to approach the respondents with a



W.P.No.720 of 2023

representation and the same would be duly considered by them.

WEB COPY

4. It is not in dispute that the lands purchased by the petitioners 2 to 6 herein, through five sale deeds dated 13.12.1993 were valid and legal transactions and that the petitioners 2 to 6 are in physical possession of the properties also. Likewise, the title over the property has also been regularised through the proceedings of the Government in various Government Orders referred to above, by bringing them under the category of innocent purchasers of the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978. Likewise, when this Court in its earlier order in WP No.31599 of 2019 dated 06.08.2021 had granted liberty to the official respondents to follow due procedure for acquisition before creating any disturbance to the possession of the petitioners, the respondents cannot resort to any method which could cause interference to the peaceful possession and enjoyment over the subject properties.

5. Now that, the Government themselves have regularised the title of the properties possessed by the petitioners 2 to 6 herein, a writ of mandamus is hereby ordered forbearing the respondents from in any manner interfering with the peaceful possession and enjoyment of the properties of the petitioners



W.P.No.720 of 2023

herein in view of the earlier order passed by this Court in W.P.No.31599 of

2019 dated 06.08.2021.

6. It is needless to point out that it is always open to the respondents to initiate acquisition proceedings if they feel expedient for forming pathway to burial ground, however, such procedure should be strictly in accordance with the due procedure of law.

7. The petitioners 1 and 7 are also granted liberty to make such representation, seeking for regularisation of their title, in case the subject lands are under the purview of the provisions of Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978.

8. With the above observations, the writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

20.03.2023

Index:Yes/No
Speaking order/Non-speaking order
sr



WEB COPY



W.P.No.720 of 2023

M.S.RAMESH,J.,

SR

To

1. The President,
Cowl Bazar Village Panchayat.
Pallavaram, Chennai-600 074.
2. The District Collector,
Chengalpattu District.
3. The District Revenue Officer,
Chengalpattu District.
4. The Tahsildar,
Pallavaram,
Chennai-600 043.

W.P.No.720 of 2023

20.03.2023