



WEB COPY



W.P.No.2027 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.2027 of 2022

and

WMP.Nos.2188, 2189 & 2191 of 2022

1.A.R.Ibrahim
2.A.R.Shahabudeen
3.A.R.Akbar

...Petitioners

Vs.

1.The Collector
Chengalpattu District
Chengalpattu.

2.The Revenue Divisional Officer
Chengalpattu District
Chengalpattu.

3.The Tahsildar
Chengalpattu District
Chengalpattu.

4.The President
Nedungundram Panchayat
Chengalpattu District.

...Respondents



W.P.No.2027 of 2022

WEB COPY

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, call for the record and to quash the order passed by the firsts respondent by his proceedings in Na.Ka.No.2878/2020/A12, dated 28.01.2021 and consequently restraining the respondents from interfering with the petitioners peaceful enjoyment of their lands measuring an extent of Acre 0.73 cents out Acre 0.93 cents comprised in Survey No.3/1, situated at No.10, Puthur Village, Chengalpattu Taluk and Kancheepuram District, Kattangulathur Panchayat Union Limits and Nedungundram Panchayat Limits, lies within the Chennai South Registration District and Tambaram Sub-Registration District.

For Petitioners : Mr.V.Karthikeyan

For Respondents : Mr.N.Naveen Kumar
Government Advocate

ORDER

This Writ Petition is filed challenging the order passed by the first respondent dated 28.01.2021 permitting the laying of road under the Corporate Society Responsibility Scheme.



W.P.No.2027 of 2022

WEB COPY

2. According to the petitioners, they are the owners of 0.73 cents out of 0.93 cents comprised in S.No.3/1 situated at No.10, Puthur Village, Chengalpattu Taluk and Kancheepuram District, Kattangulathur Panchayat Union Limit and Nedungundram Panchayat Limits, (presently Chenalpattu District).

3. Originally the said land was purchased by the mother of the petitioners and she died on 15.12.2011 leaving behind the petitioners herein as her surviving legal heirs. Subsequently, the petitioners filed an application before the Revenue Authority for mutation of revenue records in their name. The second respondent passed an order recommending the transfer of patta in the name of the petitioners.

4. In these circumstances, the respondents 2 to 4 tried to interfere with the peaceful possession of the petitioners in the above said land and therefore, the petitioners filed a Writ Petition in WP.No.10388 of 2020. The said Writ Petition came to be allowed by directing the respondents not to



W.P.No.2027 of 2022

dump any garbage into the property of the petitioners and also not to interfere with the petitioners' peaceful possession. In the said order, it is made clear, if the fourth respondent herein, who was arrayed as third respondent therein, has got any issue with regard to title of the property, the same has to be agitated before the appropriate Civil Court. Now, it is the case of the petitioners that based on the impugned order passed by the first respondent, the respondents are trying to lay a road in the above said land belongs to the petitioners.

5. A perusal of the impugned order passed by the first respondent would suggest that no-where in the impugned order, the first respondent has granted permission to lay a road in the property of the petitioners. The impugned order only says that permission has been given for laying road in the corporate society responsibility scheme. There is no reference in the impugned order that the proposed road shall be laid in the above said land belongs to the petitioners. Therefore, the petitioners are not at all aggrieved by the order passed by the first respondent and consequently, they are not entitled to challenge the same.



W.P.No.2027 of 2022

WEB COPY

6. As far as the second limb of the prayer in the Writ petition, it is submitted by the learned counsel for the petitioners that taking advantage of the order passed by the first respondent, the other respondents are attempting to lay road in the above mentioned property of the petitioners. This Court in W.P.No.10388 of 2020 protected the possession of the petitioners in 0.73 cents out of 0.93 cents in S.No.3/1 situated in Puthur Village. When already the petitioners got an order in their favour in the above Writ Petition, the second limb of the prayer in the Writ Petition seeking a direction to the respondents not to interfere with the petitioners' peaceful possession in respect of 0.73 cents out of 0.93 cents in S.No.3/1 in Puthur Village, is not at all necessary. Therefore, the Writ Petition is disposed of with the above observations. No costs. Consequently, connected Miscellaneous Petitions are closed.

24.07.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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W.P.No.2027 of 2022

S.SOUNTHAR, J.

dna

To

- 1.The Collector
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