



W.P.Nos.3744 of 2020 &
27962 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.10.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.Nos.3744 of 2020 & 27962 of 2022

W.P.No.3744 of 2020

M.Gopal

.. Petitioner

Vs.

State Rep. by

1. The Commissioner to
Corporation of Chennai
Rippon Building
Park Town
Chennai 600 003.
2. The Commissioner of Police
Office of the Commissioner of Police
Vepery, Chennai 600 007.
3. Bullet A.M.Gowdaman
4. The Tahsildar
Mambalam Taluk
Chennai 78.

.. Respondents

[R4 impleaded vide order dated
20.06.2023 in WMP No.25117/22]



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W.P.No.27962 of 2022

Virugai V.N.Ravi

Vs.

.. Petitioner

1. The Home Secretary
Government of Tamil Nadu
Secretariat, Fort St. George
Chennai 600 009.
2. The District Collector
Fourth Floor, M.Singaravelar Maaligai
62, Rajaji Salai, Chennai Collectorate
Chennai 600 001.
3. The Tahsildar
Mambalam Taluk
No.1, Bharathidasan Salai
(Near R.T.O. Office), K.K.Nagar
Chennai 600 078.

.. Respondents

Prayer: Petitions filed under Article 226 of the Constitution of India seeking

(i) a writ of Mandamus directing the 1st and 2nd respondents to remove the MGR statue unauthorisedly installed by the 3rd respondent without permission from the 1st respondent in front of Arulmighu Varasakthi Vinayagar Temple at Pillaiyar Koil Street, Nesappakkam, K.K.Nagar (West) Chennai 600 078, comprised in Old Survey No.115/5 and 115/6, in Block No.2, T.S.No.81 of 103, Nesapakkam Village, Mamabalam-Guindy Taluk, Chennai District; and

(ii) a writ of Certiorarified Mandamus to call for the records of the impugned order passed by the 3rd respondent in Na.Ka.2219/2022/A1 dated 10.10.2022 and quash the same and consequently, forbearing the 3rd respondent from removing the statue



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of the Former Chief Minister of Tamil Nadu, Dr.M.G.Ramachandran situated at Mambalam Taluk, Nesapakkam Village, Block No.2, Town Survey No.81-Old Survey No.115/5, without following the due process of law.

For the Petitioner : Mr.A.P.Surya Prakasam
in W.P.No.3744/20

Mr.C.Vineswaran
For Mr.P.Senthilvel
in W.P.No.27962/22

For the Respondents : Mr.A.Arun Babu
Standing Counsel
for Respondent-1

Mrs.R.Anitha
Special Government Pleader
for Respondents 2 & 4 in
W.P.No.3744/20 &
for Respondents 1 to 3
in W.P.No.27962/22

No appearance
for Respondent-3
in W.P.No.3744/20

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.A.P.Surya Prakasam, learned counsel and Mr.C.Vigneswaran, learned counsel for Mr.P.Senthilvel, for the petitioners, Mr.A.Arunbabu, learned Standing Counsel for the first



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respondent in W.P.No.3744 of 2020 and Mrs.R.Anitha, learned Special Government Pleader for the respondents 2 and 4 in W.P.No.3744 of 2020 and for all the respondents in W.P.No.27962 of 2022.

2. The contention of learned counsel for the petitioner in W.P.No.27962 of 2022 is that the land in question is a Grama Natham land. The provisions of Tamil Nadu Land Encroachment Act, 1905 would not apply.

3. According to learned Special Government Pleader, though notice states that the land in question is Grama Natham, as per 'A' Register, the land in question is a Natham poramboke, i.e. government land.

4. The disputed questions of fact cannot be resolved in a writ petition.

5. The petitioner in W.P.No.27962 of 2022 has a remedy of



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appeal under the Act of 1905. The petitioner may file an appeal within ten days from today. If the appeal is filed within ten days, the authority may consider the said appeal as if it is filed within limitation. The petitioner may seek necessary interim order of stay as may be permissible under law. The interim order of status quo shall continue for ten days from today.

6. W.P.No.27962 of 2022 is, accordingly, disposed of. There will be no order as to costs.

7. In the view of the order aforesaid, no further order is necessary in W.P.No.3744 of 2020. Accordingly, the same is disposed of. There will be no order as to costs. Consequently, W.M.P.No.27261 of 2022 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

11.10.2023

Index : Yes/No
Neutral Citation : Yes/No

kpl



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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J

(kpl)

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