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WP No.39838 of 2005

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10-03-2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.39838 of 2005

And

WPMP No.42720 of 2005 and WVMP No.1558 of 2006

The Pentecostal Mission,
Represented by its Pastor G.Maneshe,
No.80B, Near Hotel Thanjavur,
E.C. Road,
Injambakkam,
Chennai-600 041.

.. Petitioner

vs.

1.State of Tamil Nadu,
Represented by its Director General of Police,
Radhakrishnan Salai,
Chennai-4.

2.The Commissioner of Police,
Greater Chennai,
Egmore,
Chennai-8.



WP No.39838 of 2005

WEB COPY

3.The Inspector of Police (Crimes),
Injambakkam Police Station,
Injambakkam,
Chennai-600 041.

4.Mr.Balaji

5.Mrs.Ananthi Murthy
[R-5 impleaded vide order of Court
dated 19.08.2006 made in WPMP
No.17243 of 2006 in WP 39838 of 2005]

6.The District Collector,
Kancheepuram District.

7.The Tahsildar,
Tambaram,
Kancheepuram District.

8.The Sub Registrar,
Adayar,
Chennai-20.

9.The Sub Registrar,
Neelangarai,
Chennai-41.
[R-6 to R-9 impleaded vide order of Court
dated 06.09.2006 made in WPMP
No.17632 of 2006 in WP 39838 of 2005]

.. Respondents



WP No.39838 of 2005

Writ Petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, forbearing the respondents and their men from in any manner interfering with the petitioner's peaceful possession, enjoyment and occupation of the land and building comprised in S.Nos.180/5, 180/3A8B, 5A2 Injambakkam Village, Tambaram Taluk, Kancheepuram District and bearing Door No.80B, near Hotel Thanjavur Veg., East Coast Road, Chennai-600 041.

For Petitioner : Mr.S.Chandrasekaran

For Respondents-1 to 3 : Mr.S.Ravichandran,
Additional Government Pleader.

For Respondent-4 : No Appearance

For Respondent-5 : Mr.M.S.Palanisamy

For Respondents-6 to 9 : Not Ready in Notice

ORDER

The relief sought for in the present writ petition is to forbear the respondents and their men from in any manner interfering with the



WP No.39838 of 2005

petitioner's peaceful possession, enjoyment and occupation of the land and building comprised in S.Nos.180/5, 180/3A8B, 5A2 Injambakkam Village, Tambaram Taluk, Kancheepuram District and bearing Door No.80B, near Hotel Thanjavur Veg., East Coast Road, Chennai-600 041.

2. The relief as such sought for in the present writ petition cannot be considered in view of the fact that the petitioner has to establish his title/ownership in respect of the subject property.

3. The power of Judicial Review under Article 226 of the Constitution of India cannot be expanded for the purpose of crystallisation of the civil rights regarding the immovable property.

4. The petitioner states that he is in possession of the vacant land, which was purchased in the year 1975. If so, the petitioner has to establish his title by approaching the Competent Civil Court of Law.



WEB COPY

5. The respondents are bound to ascertain as to whether the land belongs to the Government or Poramboke land or otherwise. If the petitioner is in occupation of the Government Poramboke land or otherwise, the respondents are bound to initiate action to evict the encroachers from the said land in the interest of public and by following the procedures contemplated under the Land Encroachment Act.

6. Thus the respondents are directed to verify the revenue records and find out whether the land, which is in possession of the petitioner, is a Government land or otherwise and initiate appropriate action. If at all the petitioner claims that he is the owner of the property, then he has to approach the Competent Civil Court of Law for the purpose of establishing his title and ownership.

7. With the abovesaid observations, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the



WP No.39838 of 2005

connected miscellaneous petitions are also dismissed.

WEB COPY

10-03-2023

Speaking Order/Non-Speaking Order.

Neutral Citation : Yes/No.

Internet : Yes/No.

Index: Yes/No.

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WP No.39838 of 2005

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WEB COPY

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WEB COPY



WP No.39838 of 2005

S.M.SUBRAMANIAM, J.

Svn

WP 39838 of 2005

10-03-2023