



W.P.Nos.24606 of 2016 & 9764 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2023

CORAM :

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

AND

THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

W.P.Nos.24606 of 2016 & 9764 of 2018

AND

**W.M.P.Nos.13069, 13071, 13072, 11708,
13067, 13068 and 13070 and 2018**

W.P.No.24606 of 2016

K.N.Raja

... Petitioner

Vs.

1. The District Collector,
Tiruvallur District, Tiruvallur.
2. The Revenue Divisional Office,
Ponneri, Tiruvallur District.
3. The Tahsildar,
Ponneri, Tiruvallur District.
4. The Commissioner,
Chozhavaram-Town Panchayat Union,
Chozhavaram, Tiruvallur District.
5. The Block Development Officer,
(General) Chozhavaram - Town panchayat union,
Chozhavaram, Tiruvallur District.



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6. The Village Administrative,
Officer Aattanthangal Village,
Chennai-600 067.

7 Mr.Sampath
8 Mr.Dinakaran
9 Mr.Yuvanesh

10 The National Highways
Authority of India,
Sri Tower 3rd Floor, D P-34,
SP Industrial Estate, Guindy,
Chennai - 600 032.

(R10 Impleaded as per order
dated 24.10.2017 in WMP.No.12165 of 2017
in W.P.No.24606 of 2016)

11 The Executive Engineer,
Tamil Nadu Electricity Board,
Avadi, Chennai - 600 054.

(R11-Suo motu impleaded as per order
dated 03.01.2018 in W.P.No.24606 of 2016)

12 The Executive Engineer,
Tamil Nadu State Highways Department,
Ambattur, Chennai.

(R12- Impleaded as per
order dated .22.02.2018 in w.P.No.24606 of 2016)
24606/2016)

13 M.Selvarajan
14 S.Udhaya Chandran
15 V.Yasodha
16 K Muniyandi
17 M. Lakshmi
18 Rani
19 D. Indira



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- 20 Visalam
21 Udaya Kumar
22 Najmunisha Bhegam
23 Khandaswamy
24 V Kuppuswamy
25 Vijaya Lakshmi
26 V.Pushpa Leela
27 S.Mubarak Nisha
28 Visalakshi
29 K.Subramani
30 Kasthuribai
31 T Pal Swamy
32 E.Gomathy
33 G.Vaithiyalingam
34 Lakshmi
35 Sugumar
36 S.Karpagam
37 E.Shanthi
38 A.Arokiya Mary
39 A.Fathima
40 Syed abdulnazak
41 J.Senthi Kumar
42 J.Srinivasan
43 S. Janaki
44 Khannan
45 B.Uma Mageswari
46 R Manoharan
47 P.Mohandos
48 Ganesan
49 S Selvam
50 M. Manjula
51 P.Balaji
52 Nadiya
53 Vasudevi
54 Muthuammal
55 Gaja Lakshmi
56 V.Gopi
57 H. Nagalakshmi
58 Vishalakshi
59 K.Manimegalai
60 Shiva Kumar



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- 61 Rasammal
- 62 Kamuruneesa
- 63 Dhilip Kumar
- 64 Marimuthu
- 65 S. Antony Raj
- 66 Jayanthi
- 67 G. Suresh Kumar
- 68 Leela
- 69 M. Uma
- 70 G.Vaithiyalingam
- 71 Sulekha Bheevi
- 72 K.Jacob
- 73 Chitra
- 74 Selvaraj
- 75 J.Aabritha
- 76 J.Srinivasan
- 77 Gowri
- 78 Nagomi
- 79 Katharin
- 80 G.Yasodha
- 81 M. Shanthi
- 82 J.Vidyakanska
- 83 Gowri
- 84 Ramesh
- 85 M.Vishalam
- 86 Deivanayaki
- 87 Shanthi
- 88 G Rajendran
- 89 S.Loganathan
- 90 Munuswamy

(R-13 to 90 are impleaded vide order
dated 20.04.2018 in W.M.P.No.11933 of 2018
in W.P.No.24606 of 2016)

- 91 K.S.Balaji
- 92 Haridoss
- 93 J. Prema Latha
- 94 K. Deisi Rani
- 95 Pichaiyammal
- 96 Arumugam



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- 97 Muniammal
- 98 S. Padmavathy
- 99 A. Fathima
- 100 D. Rajendran
- 101 A. Mohammed
- 102 S. Sayed Mohammed
- 103 Sarala Devi
- 104 S. Paramasivam Nadar
- 105 Mubharak Nisha
- 106 Ramachandran
- 107 D Mallika
- 108 V Rekha
- 109 Jayaraj
- 110 K. Bhavani
- 111 S Gayathri
- 112 G. Chinji Kumar
- 113 S. Moorthirao
- 114 Kumudha
- 115 B. Parvathi
- 116 Shanmugha Priya
- 117 Khandaswamy
- 118 S Prabhakaran
- 119 Loganatha Rao
- 120 Chandrabai
- 121 K. Gangadharan
- 122 Chinnapandiyan
- 123 Thalapathy
- 124 Robert Johnson
- 125 K. Sowndra Pandiyan
- 126 R. Srinivasan
- 127 R.Ramamurthy
- 128 K. Ravi
- 129 R Muthu Krishnan
- 130 M.Selvam
- 131 M. Bhagawathi
- 132 R.Jamuna
- 133 P. Parthasarathy
- 134 Jothi Lakshmi
- 135 M. Rahamathbevi
- 136 S.Jabhamani
- 137 Manivannan



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- 138 Babu
- 139 G. Sathish Kumar
- 140 S.K. Stephen
- 141 Selvi
- 142 T.Tamil Selvam
- 143 Jayakumar
- 144 M.Lalitha
- 145 Samatha
- 146 P. Vijayan
- 147 N. Madhanagopal
- 148 R. S. Raghmadhulla
- 149 R .Habibunisa
- 150 V.Mohan
- 151 D. Sathya Narayanan
- 152 V Dhanasekar
- 153 J. Jabakkani
- 154 R. Shanthi
- 155 V.Thangaraj
- 156 K. Lakshmi
- 157 N. Thulasi
- 158 M.Jagadheesan
- 159 M. Srinivasan
- 160 A. Roopawathy
- 161 B. Kalavathi
- 162 Vironika
- 163 V. A. Maria
- 164 Selviammal
- 165 S. Elumalai
- 166 S.Loganathan
- 167 S. Deva
- 168 S. Sathiya
- 169 Ranjitham
- 170 Koushalya
- 171 P.Usha
- 172 K. Babu
- 173 S. Siva Kumar
- 174 Sasikala
- 175 J. Premalatha
- 176 V. Loganathan
- 177 Seetha Lakshmi
- 178 Munuswamy



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- 179 S.Rajendran
180 R. Kamala
181 Sreedharan
182 Kani Rajeshwari
183 Janaki
184 S. Siva Rajan
185 Ramesh
186 Mala
187 Shanthi
188 A.Ganapathi
189 Prabhanjan
190 Nagoor Meeran
191 P. Dillibabu
192 T. Sekar
193 I. John Arokia Dass
194 D. Saravanan
195 Manikandan
196 P. Vettri
197 M. Hari Dass
198 S. Samandhi
199 Leema Priyadharshini
200 N. Murugesan
201 V. Soundari
- 202 J. Gana Soundari
203 K. Viji
204 T Jennifer Mary
205 B. Revathi
206 A. Arpudha Mary
207 A. Anitha Mary
208 A. Alphonse
209 V. Karuppaiya
210 Harun Shobia
211 S. Zahiruneesha
212 K. Lalitha
213 A. Francis Mary
214 K. Habidha Bhegam
215 R. Pachaiyammal
216 V. R. Nalini
217 B.Kasturi
218 M. Devi



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- 219 V. Vijaya Lakshmi
220 R. Susila
221 Karpagam
222 Amasha
223 M. Senkani
224 P. Chandra Kala
225 S. Williams
226 K. Pon Isaki
227 V. K. Sivaperuman
228 V. Mallika
229 S. Manimeghalai
230 M. Mohammed Kasi
231 S. Kuppamal
232 E. Balu
233 V.Durai
234 K. Manjula
235 P. Ravi
236 K. Selva Raj
237 R. Bala Lakshmi
238 E. Banu
239 K. Angallamal
240 N. Nagavalli
241 K. Dilli
242 K. Kandha Priya
243 T. Shandya
244 S. A. Periyaswamy
245 D. Gana Murthy
246 S. Thameem
247 R. Vasantha
248 R. Karthik
249 A. Selva Kumari Sugirdhamani
250 A. Abdhul Salam
251 V. Babu
252 M. Madhi Azhagan
253 Bhuvaneeswari
254 P. Arulpandiyan
255 Y. Michael Ammal
256 M.Amudha
257 A. Divya Kumari
258 V. Rajeswari
259 A. Yagappan



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- 260 S. Ambika
261 R. Gopi
262 M. Sangeetha
263 K. Petchi Muthu
264 K. Jayakumar
265 V. Devaki

(R-91 to 265 are impleaded as per order
dated 20.04.2018 in W.M.P.No.11934 of 2018
in W.P.No.24606 of 2016)

- 266 M. Chandra Sekaran
267 C. Mahalingham
268 T.K.Sekar
269 K.Sela Perumal
270 K. Muthulakshmi
272 M. Shankar
272 Poulina Mary
273 Rani
274 Muthu raku
275 J. Narayana Kani
276 J. Rajadevi
277 J. Janagan
278 A. Jayaseeli
279 Periyamayagi
280 M. Arumugham
281 S. Motcham Pouli
282 P. Gana Sangeetha
283 Jaya Chandran
284 A. Natesan
285 A. Raji
286 P. Annaradhi
287 V. Selvakumar
288 B.Uma Mageswari
289 R. Vimala
290 Haridoss
291 S. Shanthi
292 B. Sugukumar
293 K. Kamalakannan
294 Alan Sangith
295 P. Vasuki
296 V.Pushpa Leela



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- 297 B.Ganesan
298 P.Yuvaraj
299 P.Kumar
300 J. Rajadevi
301 G. Suresh
302 R. Durga
303 Devendra Kumar
304 R. Ranganathan
305 E. Ramakrishnan
306 N. Venkatesan
307 Pichaiyammal
308 E. Krishnan
309 M. Antony Dass
310 A. Mary Margret
311 Pm Abduhula
312 C. Dharman
313 R. Rajendran
314 M.H. HemaLatha
315 M.H. Raghavan
316 M. Kalesha
317 V. Sheela
318 V. Mohan
319 A. Nagarajan
320 J. Paul Singh
321 K.Jagajothi
322 Elumalai
323 Thomas Thavamani
324 M. Umarani
325 S. Sulthan
326 P. Munuswamy
327 R.Papa
328 E. Gopal
329 R. Sathya
330 G.Kumar
331 M. Dhinakaran
332 A.S.R.Subburamaraj
333 S. Jayaveerapandiyan
334 R. Manjula
335 R. Chitra
336 G. Malar Vizhi
337 P. Sampath



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338 M. Balakrishnan
339 P. Vijayan
340 G. Bhuvana
341 M Jamal Fatheema
342 Ramya Devi
343 Rani

(R-266 to 343 are impleaded as per order
dated 20.04.2018 in W.M.P.No.11935 of 2018

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the third respondent viz., the Tahsildar, Ponneri, Thiruvallur District to implement the order dated 13.10.2015 vide proceedings in Na.Ka.No.4586/2015/A1 passed by the second respondent viz., Revenue Divisional Officer, Ponneri by demolishing the illegal and unauthorized construction of marriage hall on the land belongs to National Highways situated at Village Survey No.126/11 (Nearby water tank tower), Gandhinagar, Pothanr Main Road, Varaprasad Rao Nagar, Aattanthangal Village, Chozhavaram Panchayat Union, Thiruvallur District.

For petitioner : Mr.P.Chandrasekar
For M/s.Lakshmi Narasimhan

For respondents : Mr.A.Selvendran
Special Government Pleader
for R1 to R6

Mr.G.Daisy John for R-13 to R-90
Mr.R.Arvind for R-91 to R-265
Mr.V.Stalin for R-266 to R-343

* * *



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W.P.No.9764 of 2018

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- 1.S.Sivalingam
- 2.K.Jeevaram
- 3.A.Anbazhagan
- 4.M.Vigneshwaran
- 5.K.R.Nelson
- 6.Sakunthala
- 7.N.Jaganathan
- 8.Meenakshi Sundari
- 9.S.K.Ilangovan
- 10.K.Sundari
- 11.A.Narayanasamy
- 12.V.Sudhakumari
- 13.K.Sekar
- 14.D.Issac
- 15.M.Babu
- 16.K.Jagajothi
- 17.P.Kumar

... Petitioners

Vs.

- 1.The District Collector,
Thiruvallur District,
Thiruvallur.
- 2.The Revenue Divisional Officer,
Ponneri Division,
Thiruvallur District.
- 3.The Tahsildar,
Ponneri Taluk,
Thiruvallur District.
- 4.The Commissioner,
Chozhavaram Town Panchayat Union,
Chozhavaram, Thiruvallur District.
- 5.The Block Development Officer, (General),
Chozhavaram Town Panchayat Union,
Chozhavaram, Thiruvallur District.



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6.The Village Administrative Officer,
Attanthangal Village,
Chennai - 600 067.

7.The National Highways Authority of India,
Sri Tower, 3rd Floor, D P-34, SP Industrial Estate,
Guindy, Chennai - 600 032.

8.The Executive Engineer,
Tamil Nadu Electricity Board,
Avadi, Chennai - 600 054.

9.The Executive Engineer,
Tamil Nadu State Highways Department,
Ambattur, Chennai - 600 053.

10.K.N.Raja

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, forbearing the respondents 1 to 9 herein from evicting the petitioners and demolishing their houses or disconnecting the electricity service connections situated in S.No.126/11, Attanthangal Village, Ponneri Taluk, Thiruvallur District.

For petitioners : Mr.N.R.Anantha Ramakrishnan

For respondents : Mr.A.Selvendran
Special Government Pleader
for R1 to R6 and R9

Mrs.S.R.Sumathy for R7

Mr.P.R.Dillipkumar for R8



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COMMON ORDER

(Order of the Court was made by R. MAHADEVAN, J.)

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Heard the learned counsel appearing for all the parties and also perused the materials placed before this court.

2.The prayer made in W.P.No.24606 of 2016 is to issue a writ of mandamus, directing the third respondent / Tahsildar, Ponneri, Thiruvallur District to implement the order dated 13.10.2015 passed by the second respondent / Revenue Divisional Officer, Ponneri, and demolish the illegal and unauthorized construction of marriage hall on the land belonging to National Highways situated at Village S.No.126/11 (Near Water Tank Tower), Gandhi Nagar, Pothanur Main Road, Varaprasad Rao Nagar, Aattanthangal Village, Chozhavaram Panchayat Union, Thiruvallur District.

The prayer made in W.P.No.9764 of 2018 is to issue a writ of mandamus, forbearing the respondents 1 to 9 from evicting the petitioners and demolishing their houses or disconnecting the electricity service connections in S.No.126/11, Attanthangal Village, Ponneri Taluk, Thiruvallur District.

3.For the sake of better understanding, the cause of action for filing these two writ petitions and the gist of the orders passed therein by this court, are set out below:



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3.1. Originally, the petitioner in WP.No.24606 of 2016 / 10th respondent in WP.No.9764 of 2018, by name, K.N.Raja, filed a writ petition in W.P.No.23705 of 2015, seeking a direction to the District Collector, Tiruvallur District, to demolish the illegal and unauthorized construction of marriage hall in the Meikaal poramboke land situated in S.No.126/11, Attanthangal Village, Ponneri Taluk, Thiruvallur District. By order dated 04.08.2015, the said writ petition was disposed of, in the following terms:

"The Government has issued an order in G.O.(Ms)No.540, Revenue (LD6(2)) Department, dated 04.12.2014, for constitution of Redressal Committees to dispose of grievances relating to eviction of encroachments. It appears, the petitioner has made a representation on 05.06.2015 qua the illegal encroachment, but no action has been taken yet. In view of the aforesaid, the petitioner can now make a fresh representation to the authority concerned, who, in turn, will pass orders in terms of the aforesaid G.O.

Writ Petition, accordingly, stands disposed of with the aforesaid observation. No costs. Consequently, M.P.No.1 of 2015 stands closed."

Pursuant to the aforesaid order, the said K.N.Raja, made a fresh representation to the respondent authorities. Based on the same, the Revenue Divisional Officer, Ponneri, Tiruvallur District, conducted an enquiry and issued a notice under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, to the seventh respondent in WP.No.24606 of 2016, for removal of the illegal construction of the marriage hall. However, nothing progressed. Hence, the Revenue Divisional Officer, Ponneri, Tiruvallur District, *vide* proceedings dated 13.10.2015, directed the Tahsildar, Ponneri, Tiruvallur District, to demolish the illegal construction of marriage hall on the subject property on 17.10.2015, but the same was not acted upon. Therefore, the said K.N.Raja preferred WP.No.24606 of 2016 seeking a



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direction to the respondent authorities to comply with the direction issued in the said proceedings dated 13.10.2015.

3.2. When the aforesaid WP.No.24606 of 2016 came up for hearing on 22.02.2018, this court passed the following order:

"It is represented on behalf of tenth respondent-National Highways Authority of India (NHAI) that the subject property is at Aattanthangal Village, which is along the Red Hills to Thiruvallur Road, which comes under the State Highways SH-114. Hence, this Court suo motu impleads the Executive Engineer, Tamil Nadu State Highways Department, Ambattur, Chennai, as 12th respondent to the Writ Petition. Mr.A.N.Thambidurai, learned Special Government Pleader takes notice for the impleaded 12th respondent.

2. It comes to be known that the first respondent-District Collector, in his proceedings dated 10.03.2016 in Na.Ka.30050/2015/Aa2, had clearly stated that there are about 210 buildings which are under encroachment in S.No.126/11 in Aattanthangal Village. Hence, the 12th respondent-State Highways is directed to conduct survey in respect of S.No.126/11 measuring an extent of 13.69.0 hectares and to submit a status report dated 21.03.2018.

3. The said survey shall be conducted with the help of Taluk Surveyor or a qualified Surveyor from the Revenue Department. If any one of the residents prevents the Surveyor from conducting the survey with regard to the area in question, the authorities may inform the concerned area Assistant Engineer of the TNEB/TANGEDCO to disconnect the electricity supply of those residents/occupants, who object the survey. It is open for the 12th respondent to seek the assistance of the Police concerned, if situation so warrants. The 12th respondent is also directed to show a copy of this order passed by this Court today before the residents/occupants in the area who purportedly raise the objections/prevents the conduct of survey.

4. It is stated by the learned counsel appearing for the tenth respondent-NHAI that they have filed counter affidavit in S.R.19232 on 22.11.2017. Registry is directed to put up the counter affidavit filed by the tenth respondent. Registry is also directed to print the name of Mr.A.N.Thambidurai, learned Sp.G.P as appearing for the impleaded 12th respondent.

5. Post the Writ Petition on 21.03.2018. The other respondents shall file counter by then. The 12th respondent shall file a status report, as directed above by then."



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3.3. Pursuant to the aforesaid order, the Tahsildar, Ponneri, Tiruvallur District, filed a status report dated 26.03.2018 *inter alia* stating that the subject property was demolished on 23.03.2018; and that, there are several encroachments in S.No.126/11 classified as State Highways poramboke; and hence, reasonable time be granted for effective completion of enumeration process. Taking note of the same, this Court, on 26.03.2018, passed the following order:

"....

4. Today, a status report dated 26.03.2018 is filed by the 3rd Respondent / Tahsildar, Ponneri, who in his report dated 26.03.2018 had stated that in Attanthangal Village (No.112) encroachment of marriage hall in Survey No.126/11 is classified as 'State Highways Poromboke' was pulled down on 23.03.2018.

5. Apart from the above, it transpires from the status report of the 3rd Respondent that in Attanthangal Village (No.112), number of encroachments that are in existence in each street in Survey No.126/11 measuring an extent of 13.69.00 hectare is classified as 'State Highways Poromboke' under his direct supervision, enumeration process commenced by the Taluk Surveyor along with A.E.Highways, VAO and Revenue Inspector, Chozhavaram Firka.

.....

7. From the above extract, it is candidly clear that there are encroachments of about 157 Commercial Shops and 510 houses and for an effective and efficacious removal of encroachment, as stated on behalf of the 3rd Respondent / Tahsildar, Ponneri, four months time is prayed for to complete the enumeration process.

8. Acceding to the request of the 3rd Respondent / Tahsildar, Ponneri as well as 12th Respondent / Executive Engineer, Tamilnadu State Highways Department, Ambattur, four months time is granted to carry out the enumerated work in question and to remove the encroachments, in the Tabular Column, as mentioned above and to file a complete and comprehensive status report by 27.07.2018.

9. In respect of the encroachments made with regard to the commercial establishments as well as residential house, electricity supply shall be disconnected by the 11th Respondent between 20th April and 24th April, 2018.

10....."



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3.4. Aggrieved by the aforesaid order dated 26.03.2018 passed by this court in WP.No.24606 of 2016, one S.Sivalingam and 16 others, who are the residents of Attanthangal Village in S.No.126/11, filed WP.No.9764 of 2018, for forbearing the respondent authorities from evicting them and demolishing their houses or disconnecting the electricity service connection provided to them. It is averred in the said writ petition that W.P.No.24606 of 2016 was filed only with respect to removal of the unauthorised marriage hall and hence, the order dated 26.03.2018 directing the respondent authorities to demolish the houses of the petitioners in WP.No.9764 of 2018, was beyond the scope of WP.No.24606 of 2016. It is further averred that the houses of the petitioners and other residents in S.No.126/11 are neither encroachment on the Highway Road nor on road margins, but are far away from the main road. It is also stated that there are four different Nagars, viz., (i) Rajiv Gandhi Nagar, (ii) K.K.Nagar, (iii) Dr.V.P.R.Nagar and (iv) T.H.Road (Gandhi Nagar), which had come into existence in S.No.126/11 way back in 1986 itself and the general public had settled down in the aforesaid Nagars in S.No.126/11 of Attanthangal Village; and that, the residents in S.No.126/11 including the petitioners, are all recognized by the authorities concerned by issuing family cards, voter ID cards, etc., and they are paying house tax and water tax for the respective houses to Nallur Panchayat for the past 30 years and the Residents Welfare Associations were formed by the residents and registered with the Registrar of Societies from 1987 onwards, and if the



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petitioners are summarily evicted from their houses based on the order dated 26.03.2018, they will be seriously prejudiced.

3.5. Considering the grievances expressed by the petitioners, this Court by order dated 19.04.2018, passed an interim order in WP.No.9764 of 2018 in the following terms:

"8. Considering the above facts and circumstances and In the light of the submission made, this Court is of the considered view that a prima facie case has been made out by the learned counsel for the petitioners for grant of an interim order, otherwise, the electricity connection granted to the respective premises of the petitioners is likely to be disconnected" and in that event they along with their family members may be put to grave hardship and irreparable loss and balance of convenience as on today also lies in favour of the petitioners. Hence, there shall be an order of ad-interim injunction as prayed for. It is also made clear that till the submission of the enumeration report as directed by this Court in order dated 26.03.2010 in WP.No.24606 of 2017, demolition of the respective premises shall be deferred. It is also made clear that the petitioners, till the disposal of the writ petition, shall not create any third party right in respect of the site / superstructure in question and shall not alter the physical features also."

3.6. In the mean while, the respondents 13 to 343 were impleaded as parties to WP.No.24606 of 2016. They preferred W.M.P.Nos.13067 to 13072 of 2018 in W.P.No.24606 of 2016, seeking interim injunction restraining the TNEB, its officials, men, servants and agents from disturbing the electricity connection to the houses belonging to the residents located in S.No.126/11 and this court has passed the following order on 27.04.2018:

"The respective learned counsel appearing for the newly impleaded respondents/petitioners in the above miscellaneous petitions, undertake to file individual affidavits of the petitioners, as to the extent of the land in their possession, classification and nature of construction more particularly whether the constructions / superstructures put up by them, are authorised / deviated / unauthorised, and whether any third party rights have been created and as to the documents evidencing their long possession and enjoyment. It is brought to the



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knowledge of this Court that in pursuant to the order dated 26.03.2018, urgent steps are being taken by the concerned officials to dispossess the petitioners herein/impleaded respondents from their meagre land holding under the guise of removal of encroachment and basic amenities like electricity supply is also sought to be disconnected.

2 The primordial submission of the respective learned counsel for petitioners herein/impleaded respondents is that the area in question is well developed by laying road and electricity connection and other benevolent schemes have been extended to them and without putting them on notice and without affording any opportunity, action is taken to dispossess them and prays for appropriate orders.

3 Per Contra, Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the official respondents would submit that even as per the affidavits, petitioners cxvherein/impleaded respondents are rank encroachers and as such in pursuant to the above said direction issued by this Court, action is being taken strictly in accordance with law.

4 This Court has considered the rival submissions and also perused the materials placed before it.

5 In the light of the above facts and circumstances, this Court is prima facie of the view that the petitioners herein/impleaded respondents have not been afforded with any opportunity to put forth their stand.

6 The official respondents shall file a detailed status report as to the number of persons who are said to be in unauthorised occupation or by way of encroachment and the petitioners herein/impleaded respondents, shall extend maximum cooperation to the concerned officials to do such an exercise. The Superintendent of Police, Thiruvallur District, as well as the concerned Subordinate officials are directed to extend their maximum cooperation to the said officials as they apprehend law and order problem also.

7 It is made clear that if any non-cooperation or infraction is noted on the part of the petitioners herein/impleaded respondents and if they are not extending their co-operation, the cause and consequences in connection with the same, may follow.

8 Call on 14.06.2018, along with other similar matters."

As directed by this court in the aforesaid order, the respondents filed enumeration list pertaining to S.No.126/11 of Attanthangal Village, on 13.06.2018, stating that there are 559 encroachments and they sought appropriate direction to proceed with the matter, as per law.



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4. Such being the factual scenario, taking note of the submissions made by the learned counsel for the petitioners in WP.No.9764 of 2018 as well as the impleading respondents in WP.No.24606 of 2016 that the respondent authorities, without issuing any notice, have taken steps against them, as if they are encroaching the lands in S.No.126/11 by constructing houses, and hence, the same are arbitrary, illegal and in violation of the principles of natural justice, this court, without expressing any opinion on the merits of the case, directs the respondent authorities to conduct necessary survey in the presence of all the parties concerned, after issuing due notice to them, verify the documents available and thereafter, pass appropriate orders, on merits and in accordance with law. Such an exercise shall be completed by the respondent authorities, as expeditiously as possible. Till such time, there shall be an order of *status quo*.

5. With the above directions, both the writ petitions are disposed of. There is no order as to costs. Consequently, connected miscellaneous petitions are closed.

[R.M.D,J.] [M.S.Q, J.]
06.03.2023

r n s
Speaking Order /Non-speaking order
Internet : Yes.
Index : Yes/No



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To

1. The District Collector,
Tiruvallur District, Tiruvallur.
2. The Revenue Divisional Office,
Ponneri, Tiruvallur District.
3. The Tahsildar,
Ponneri, Tiruvallur District.
4. The Commissioner,
Chozhavaram-Town Panchayat Union,
Chozhavaram, Tiruvallur District.
5. The Block Development Officer,
(General) Chozhavaram - Town panchayat union,
Chozhavaram, Tiruvallur District.
6. The Village Administrative,
Officer Aattanthangal Village,
Chennai-600 067.
7. The National Highways
Authority of India,
Sri Tower 3rd Floor, D P-34,
SP Industrial Estate, Guindy,
Chennai - 600 032.
8. The Executive Engineer,
Tamil Nadu Electricity Board,
Avadi, Chennai - 600 054.
9. The Executive Engineer,
Tamil Nadu State Highways Department,
Ambattur, Chennai.



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W.P.Nos.24606 of 2016 & 9764 of 2018

R. MAHADEVAN, J.
and
MOHAMMED SHAFFIQ, J.

r n s

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9764 of 2018

06.03.2023