



WEB COPY

WP No.13939 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01-06-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.13939 of 2023

And

WMP No.13589 of 2023

B.Perumal

... Petitioner

Vs.

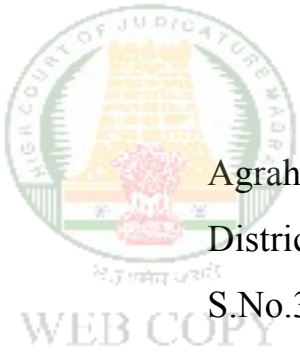
1.The District Collector,
O/o.The District Collectorate,
Singaravelar Maligai,
Chennai.

2.The Tahsildar,
Ambattur,
Chennai-53.

3.The Assistant Engineer,
83rd Ward, Ambattur,
Greater Chennai Corporation (Zone 7).

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to forbear the respondents from in any way putting up any construction in Grama Natham land S.No.385/1,



Agraharam Mettu Street, Korattur Village, Ambattur Taluk, Villivakkam District, Registration District Chennai Central without surveying the land in S.No.385/1.

For Petitioner : Ms.G.Selvi George

For Respondents-1 and 2 : Mr.T.Arunkumar,
Additional Government Pleader.

For Respondent-3 : Mr.D.B.R.Prabhu,
Standing Counsel for Greater
Chennai Corporation.

ORDER

The relief sought for in the present writ petition is to forbear the respondents from in any way putting up any construction in Grama Natham land S.No.385/1, Agraharam Mettu Street, Korattur Village, Ambattur Taluk, Villivakkam District, Registration District Chennai Central without surveying the land in S.No.385/1.

2. The learned counsel for the writ petitioner mainly contended



that the petitioner is in peaceful possession and enjoyment of the land in Grama Natham Survey No.385/1.

WEB COPY

3. Since the petitioner is in possession of the documents to establish his case, an opportunity must be granted to survey the land for the purpose of ascertaining the facts. The petitioner himself has stated that the land was classified as Grama Natham and now Ambattur Taluk, Villivakkam District is falling within the territorial jurisdiction of Greater Chennai. Re-classification, if any done, has not been brought to the notice of this Court.

4. If at all the petitioner possessed any documents to establish his title or ownership, he has to approach the Competent Civil Court of Law for the purpose of adjudication. The High Court cannot conduct an elaborate enquiry with reference to the title or ownership of the immovable property. Such an adjudication must be done with reference to the documents in original and evidences.

5. The very relief sought for in the present writ petition is to



direct the respondents not to interfere with the peaceful possession and enjoyment of the petitioner in respect of the Grama Natham land.

WEB COPY

6. The learned Additional Government Pleader appearing on behalf of the respondents 1 and 2 raised an objection by stating that the land belongs to the Government and therefore, the petitioner has no right to seek the relief as such sought for in the present writ petition.

7. When the respondents have stated that the land belongs to the Government, they are empowered to proceed with the construction, if any, made for public purposes. If at all the petitioner claims that he is the owner of the property, he has to approach the Competent Civil Court of Law and establish his title or ownership in respect of the subject property. In the event of issuing any intermediary order by the High Court in such matters, which would cause prejudice to either of the parties or any one of the parties may take undue advantage. Thus this Court is not inclined to entertain the present writ petition.



8. With the above observations, the present writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is also dismissed.

01-06-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn

To

- 1.The District Collector,
O/o.The District Collectorate,
Singaravelar Maligai,
Chennai.
- 2.The Tahsildar,
Ambattur,
Chennai-53.
- 3.The Assistant Engineer,
83rd Ward, Ambattur,
Greater Chennai Corporation (Zone 7).



WEB COPY

WP No.13939 of 2



S.M.SUBRAMANIAM, J.

Svn

WP 13939 of 2023

01-06-2023