



W.P.No.14413 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED 04.05.2023

CORAM

THE HONOURABLE Mr.JUSTICE A.D.JAGADISH CHANDIRA
AND
THE HONOURABLE Mr.JUSTICE C.SARAVANAN

W.P.No.14413 of 2023
and W.M.P.Nos.13922 & 13926 of 2023

1.M.Karunakaran

2.M.Thangadurai

... Petitioners

Vs.

1.The Chennai District Collector
No.62, Fourth Floor,
Rajaji Salai, Beach Road, George Town,
Chennai – 600 001.

2.The Corporation Commissioner,
Greater Chennai Corporation,
Amma Maligai, Ripon Building Campus,
Chennai – 600 003.

3.The Zonal Officer,
Zone 11, Valasaravakkam,
Greater Chennai Corporation,
Chennai 87.

4.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Ambattur, Chennai 55.



W.P.No.14413 of 2023

5.The Tahsildar,
Maduravoyal Taluk Office,
35HF+559, Bharathi Salai,
Mogappair West, Ambattur Industrial Estate,
Chennai – 600 037.

...
Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying for issuance of a WRIT OF CERTIORARI to call for the records
of the impugned notice issued by the third respondent in
Z.OXI.C.No.SPECIAL/2023 dated 24.04.2023 and quash the same as
illegal, arbitrary and non-est in law.

For Petitioners : Mr.S.Sasikala

For Respondents : Mr.E.C.Ramesh
Standing Counsel

ORDER

A.D.JAGADISH CHANDIRA, J.

AND

C.SARAVANAN, J.

The petitioners have filed the present writ petition seeking for a
direction to call for the records of the impugned notice dated 24.04.2023
issued by the third respondent in Z.OXI.C.No.SPL/2023 and quash the
same as illegal, arbitrary and non-est in law.



W.P.No.14413 of 2023

2. It is the case of the petitioners that their father Masilamani an agriculturalist was in peaceful possession and enjoyment of the subject property in S.No.72, which was classified as a “Kalam Poromboke” and was using the same as threshing floor and for storing manure and after his demise, they became the absolute owners of the subject property; while that being so, the impugned notice dated 24.04.2023 issued by the third respondent intimating the petitioners that the land belongs to the respondent corporation with a direction to remove the movable and immovable assets from the subject property was illegal. The petitioners have sent a reply to the impugned notice on 25.04.2023 to the respondents ventilating their grievances and requested the authorities concerned to abstain from taking coercive action. Thus, the petitioners are before this Court to quash the impugned notice.

3. The learned counsel for the petitioners submitted that the petitioners are using the subject property as a threshing floor and the threshing floor is for the benefit of the entire community and for promotion of agricultural interest. He further submitted that the third respondent has no authority to pass the impugned notice in respect of the subject property, as the same is vested with the village panchayat as per Section 134 of the Tamil Nadu Panchayats Act, 1994.



W.P.No.14413 of 2023

4. The learned counsel appearing for the respondents submitted that the subject property is no longer a “Kalam Poromboke” land, as it is located well within the jurisdiction of the Greater Chennai Corporation and no agricultural activity is carried on there by anyone.

5. In such view of the matter, we find *prima facie* no infirmity in the impugned notice being issued by the third respondent for taking possession of the subject property, as the subject property is located within the jurisdiction of the first to third respondents herein. That apart, the petitioners have replied to the impugned notice.

6. We therefore, direct the respondents to pass orders on the representation dated 25.04.2023 of the petitioners and thereafter, proceed to take possession of the land.

7. In the result, this writ petition stands closed with the above observation. No costs. Connected W.M.Ps. are closed.

[A.D.J.C., J.] [C.S.N., J.]
04.05.2023

nsd



W.P.No.14413 of 2023

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To

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W.P.No.14413 of 2023

A.D.JAGADISH CHANDIRA, J.
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C.SARAVANAN, J.

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