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W.P.No.16969 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 24.07.2023**

CORAM

**THE HONOURABLE MRS. JUSTICE J.NISHA BANU  
AND  
THE HONOURABLE MRS. JUSTICE N.MALA**

**W.P.No.16969 of 2020  
and  
W.M.P.Nos.17195 & 17196 of 2021 & 21225 of 2023**

C.Wilson

..Petitioner

Vs.

1. The District Collector,  
Kancheepuram District,  
Kancheepuram.
2. The District REvenue Officer,  
Kancheepuram district,  
Kancheepuram.
3. The rEvenue Divisional Officer,  
Sriperumbudur Revenue Division,  
Sriperumbudur,  
Kancheepuram district.
4. The Tahsildhar,  
Kundrathur Taluk,  
Kundrathur - 600 069.
5. The Member- Secretary,  
(Enforcement Cell)- South,  
C.M.D.A.,



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No.1, Gandhi Irwin Road,  
Egmore,  
Chennai - 600 008.

6. The Block Development Officer,  
Padappai Panchayat union,  
Shanmuga Nagar,  
Padappai,  
Chennai - 602 301.

7. The Executive Officer,  
Paraniputhur Panchayat,  
Kakkilaipettai,  
Iyyappanthangal,  
Chennai - 600 056.

8. The Panchayat Union Commissioner,  
Kundrathur Panchayat Union,  
Shanmuga Nagar,  
Padappai,  
Chennai.

9. Pilemon

10. Komala Venkatesan

11. C.Kumar

12. Rev.A.Neethinathan

..Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents 1 to 8 herein to take action against the respondents 9 to 11 for their unlawful constructions made in property Natham Survey No.91/Part, situated at Srinivasapuram Village, now in Kundrathur Taluk, Kancheepuram District, by



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considering the petitioner's representation dated 02.09.2020.

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For Petitioner : Mr.R.Edwin Solomon

For Respondents : Mr.E.Vijay Anand,  
Additional Government Pleader  
for R1 to R4  
Mrs.P.Veena Suresh,  
Standing Counsel for R5/CMDA  
Mr.M.Elumalai for R6 to R8  
Mr.R.Narayanan for R9 to 11  
Mrs.Selvi George for R12

### **ORDER**

This writ petition has been filed to direct the respondents 1 to 8 herein to take action against the respondents 9 to 11 for their unlawful constructions made in property Natham Survey No.91/Part, situated at Srinivasapuram Village, now in Kundrathur Taluk, Kancheepuram District, by considering the petitioner's representation dated 02.09.2020.

2. According to the petitioner, he was doing service to helpless people by forming Marantha Prayer House in the property at No.2/85 MCR Street, Srinivasapuram, Paraniputhur post, Chennai - 122 and have been looking after the orphan children in the name of "Maranatha Orphans Children Home" from 1983 as Paster/Manager and supervising through Maranatha Full Gospel Association which is a registered Society vide No.51/1975 at Chennai having its office at No.91, Dr.Alagappa



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Road, Purusawakkam, Chennai -84 coming and control and management of 12th respondent. The vacant site property comprised in natham Survey no.91/part at Srinivasapuram Village, now in Kundrathur Taluk, Kancheepuram District in Patta No.68, was donated and contributed by the local villagers and out of the charitable amount and collections from different well-wishers, the said Home is run in good faith. While so, one Mr.J.Philomen, the 9th respondent herein, in order to get wrongful gain, sold the western side portion of the subject property to and in favour of the respondents 10 and 11 vide sale deed dated 17.07.2018 and 05.07.2017 respectively by creating bogus records against the interest of the society and received the sale consideration, for which, he has no right over the property. Even the said society does not have title to the property. Based on the said bogus documents, the 9th respondent along with respondents 10 and 11 had started constructing residential flats on the western side of the Home in 26,000 sq.ft. owned by the Maranatha Orphans Children, without any approval and also encroached the public road. The petitioner, in order to safeguard the interest of the Orphans Home, gave representations to the revenue officials, requesting them to cancel the sub-division and patta issued illegally in their favour. Since no



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action was taken, the present writ petition has been filed.

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3. Heard the learned counsel for the petitioner, the learned Additional Government Pleader appearing for the 1st to 4th respondents, the learned Standing counsel appearing for the 5th respondent/CMDA and the learned counsel appearing for 6th to 12th respondents.

4. Considering the facts and circumstances of the case and the submissions made on either side, this Court is of the considered view that the issue raised in this writ petition is purely a civil dispute between the petitioner and the 9th to 11th respondents which has to be agitated only before the competent Civil Court by filing appropriate proceedings in the manner known to law. Certainly, the course of action adopted by the petitioner by filing the present writ petition with the relief as stated supra is not a proper one as the petitioner has ample avenues before the Civil Forum. Therefore, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

**(J.N.B,J.) (N.M., J.)**

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Index : Yes / No

Internet : Yes

vsi



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WEB COPY Kundrathur Panchayat Union,  
Shanmuga Nagar,  
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