



WEB COPY

WP No.27060 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15-09-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.27060 of 2014

And

MP No.1 of 2014

1.Murali
2.Ramesh
3.Anand Kumar

... S

Vs.

1.The District Collector,
Kanchipuram,
Kanchipuram Collectorate,
Kanchipuram District-631 501.

2.The Tahsildar,
No.3, 1st Street,
Kumaran Nagar,
Rajiv Gandhi Salai,
Sholinganallur,
Chennai-600 119.



3. The Commissioner,
St. Thomas Mount,
Panchayat Union,
Chitlapakkam,
Chennai-600 064.

4. The Executive Officer,
Medavakkam Village Panchayat Office,
Medavakkam,
Chennai-600 100.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Prohibition restraining the respondents from interfering with the petitioners peaceful possession of the property comprised in Survey No.417/2 part Door No.4/105, Sholinganallur Taluk, Medavakkam Village, Dr.Ambedkar Nagar, Cheran Street, Kanchipuram District admeasuring to an extent of 4355 sq.ft.

For Petitioners : Ms.Ra.Parkavi for
Mr.S.Mohamed Uduman

For Respondents-1, 2 and 4: Mr.G.Krishna Raja,
Additional Government Pleader.

For Respondent-3 : Mr.T.Arunkumar,
Additional Government Pleader.



WEB COPY

WP No.27060 of 2

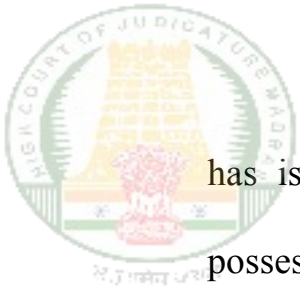


ORDER

The relief sought for in the present writ petition is to restrain the respondents from interfering with the petitioners peaceful possession of the property comprised in Survey No.417/2 part Door No.4/105, Sholinganallur Taluk, Medavakkam Village, Dr.Ambedkar Nagar, Cheran Street, Kanchipuram District admeasuring to an extent of 4355 sq.ft.

2. The petitioners state that they are the absolute owners of the property comprised in Survey No.417/2 part Door No.4/105, Sholinganallur Taluk, Medavakkam Village, Dr.Ambedkar Nagar, Cheran Street, Kanchipuram District admeasuring to an extent of 4355 sq.ft. The father of the writ petitioners was the absolute owner of the property and in enjoyment of the same.

3. The petitioners further state that the subject property is classified as 'Grama Natham' and the Revenue Department, considering the continuous possession and enjoyment of the father of the writ petitioners,



has issued an assignment patta in the year 1989, recognising title and possession of the property.

WEB COPY

4. The respondents are duty bound to scrutinise the sanctity of the assignment granted. Since the property is falling under the Chennai Belt Area in sholinganallur Taluk, there was a ban for grant of assignment in respect of the City Belt Areas from the year 1958 onwards. The said ban was extended by the District Collector, Chengalpattu District in the year 1962 and Sholinganallur also falling under the City Belt Area. Therefore, the assignment of land is impermissible.

5. The collusion of the Revenue Authorities, fraudulent activities or corrupt practices if any in the matter of grant of assignment of patta is to be enquired into by the District Collector, Kanchipuram.

6. This Court elaborately considered the scope of 'Grama Natham' lands in City Belt Areas in common judgment dated 15.09.2023 in WP Nos.7051 and 7052 of 2017. The principles laid down in the said judgment are to be followed for the purpose of dealing with 'Government



Poramboke - Grama Natham' lands in City Belt Areas. The Government Orders, the scope of RSO 21 and the principles to be followed are elaborately discussed in the judgment cited supra.

7. The relief sought for in the present case is absolutely misconceived and such a relief restraining the respondents from interfering with the possession of the petitioners in the subject property, cannot be considered in writ proceedings under Article 226 of the Constitution of India. Thus the relief, as such sought for in the present writ petition is rejected.

8. The respondents 1 and 2 are directed to conduct Field Inspection and ascertain the status of the land, its classification and other details and accordingly initiate all appropriate actions, if any illegalities or irregularities or violations of Revenue Standing Orders are identified. In such circumstances, the occupants are directed to be evicted and the lands are to be resumed by the Government and to be utilised for the public purpose.



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

15-09-2023

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



To

1. The District Collector,
Kanchipuram,
Kanchipuram Collectorate,
Kanchipuram District-631 501.
2. The Tahsildar,
No.3, 1st Street,
Kumaran Nagar,
Rajiv Gandhi Salai,
Sholinganallur,
Chennai-600 119.
3. The Commissioner,
St. Thomas Mount,
Panchayat Union,
Chitlapakkam,
Chennai-600 064.
4. The Executive Officer,
Medavakkam Village Panchayat Office,
Medavakkam,
Chennai-600 100.



WEB COPY

WP No.27060 of 2



S.M.SUBRAMANIAM, J.

Svn

WP 27060 of 2014

15-09-2023