



W.P.No.21787 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.12.2023

CORAM:

THE HON'BLE MR JUSTICE P. VELMURUGAN

W.P.No.21787 of 2022

and

W.M.P.Nos.20812, 20813 and 20815 of 2022

Mrs.Jabapackiam

...Petitioner

Versus

- 1.The Government of Tamil Nadu,
Rep.by the Secretary to
Government Municipal Administration,
and Water Supply Department, Fort St.George,
Chennai – 600 009.
- 2.The District Collector,
Chengalpattu District,
Chengalpattu.
- 3.The Revenue Divisional Officer,
Chengalpattu District,
Chengalpattu.
- 4.The Municipal Commissioner,
Pallavaram Municipality,
Chrompet, Chennai – 600 044.
- 5.The Commissioner,
Tambaram Corporation,
Tambaram, Chennai – 600 045.
- 6.The Zonal Officer,
Tambaram Corporation, Zone No.2,
Chrompet, Chennai – 600 004.



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7.The Metropolitan Transport Corporation Ltd.,
Rep.by its Managing Director,
Pallavan House, Pallavan Salai,
Chennai – 600 002.

...Respondents.

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus, calling for the records of the 3rd respondent, passed in his proceedings in Ni.Mu.No.986/2/2022/B, dated 08.07.2022 and quash the same and consequently direct the 3rd respondent to issue patta in favour of the petitioner's land for an extent of 6 ground or 14273 sq.ft. or thereabouts, being plot No.7-Part, comprised in re-survey No.31/1 (Pimash No.313/1, 300, 310 and 307), new S.No.43/1A1A1A, situated at Hasthinapuram Village, within jurisdiction of Pallavaram Municipality, Pallavaram, now within Tambaram Corporation Limit, Chennai – 600 044.

For Petitioner : Mr.V.Raghavachari
Sr.Adovcate for
Mr.A.Ramalingam

For Respondents : Mr.P.Gurunathan
R1 to R3 Additional Government Pleader

ORDER

This writ petition has been filed by the petitioner for seeking simple writ of certiorarified mandamus to call for the records of the 3rd respondent/The Revenue Divisional Officer, Tambaram passed in proceedings No.Ni.Mu.No.986/2/2022/B, dated 08.07.2022 and quash the same and consequently direct the 3rd respondent to issue patta in



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favour of the petitioner's land for an extent of 6 ground or 14273 sq.ft. or thereabouts, being plot No.7-Part, comprised in re-survey No.31/1 (Pimash No.313/1, 300, 310 and 307), new S.No.43/1A1A1A, situated at Hasthinapuram Village, within jurisdiction of Pallavaram Municipality, Pallavaram, now within Tambaram Corporation Limit, Chennai – 600 044.

2. Mr.A.Ramalingam, learned senior counsel for the petitioner submits that the respondent Nos.4 to 7 are unlawfully using the said land as bus stand without giving any proper opportunity of hearing to the petitioner and without initiating any proceedings and without paying any compensation as per the directions of the Hon'ble Division Bench of this Court in W.A.No.2847 of 2004 dated 30.04.2004.

3. Learned counsel for the petitioner further submits that the 3rd respondent has passed an impugned order by directing the petitioner to go to the Competent Civil Court in proceedings Ni.Mu.No.986/2/2022/B, dated 08.07.2022 to establish her title against which the petitioner has filed this present writ petition is filed.

4. The learned Counsel for the petitioner would further submit that the initially the respondent has issued a notice stating that the land is



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a poramboke land and initially they accepted that the Patta land of the purchasers of the writ petitioner and whereas subsequently now stated that the land is a Government Poramboke Land and therefore, they need not acquire, they need not to pay any compensation.

5. However, the Government has not produced any document to show that the land is a Government Poramboke but the petitioner herein have produced the title deed which establishes the title of the vendor of the petitioner and subsequently the impugned order passed by the respondent is not sustainable in law and hence deserves to be set aside.

6. Mr.P.Gurunathan, learned Additional Government Pleader for the 3rd respondent would submit that one Mrs.Jabapackiam w/o Mr.Isravel Dharmaraj filed a writ petition No.21787 of 2022 before this Court to issue order or direction in the nature of writ of certiorarified mandamus to call for the records of the 3rd respondent passed in proceedings No.Ni.Mu.No.986/2/2022/B, dated 08.07.2022 and quash the same and direct the 3rd respondent to issue Patta in favour of the petitioner's land for an extent of 6 ground or 14273 sq.ft. or thereabouts, being plot No.7-Part, comprised in re-survey No.31/1 (Pimash No.313/1, 300, 310 and 307), new S.No.43/1A1A1A, situated at Hasthinapuram



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Village, within jurisdiction of Pallavaram Municipality, Pallavaram, now within Tambaram Corporation Limit.

7. The learned counsel for the respondent would further submit that as per the direction of this Court in the above said writ petition the Revenue Divisional Officer, Tambaram/3rd respondent had conducted an enquiry on the representation filed by the petitioner and passed an order in proceedings Ni.Mu.No.986/2/2022/B, dated 08.07.2022 and the entire details were analyzed and covered in the said proceedings passed by the Revenue Divisional Officer, Tambaram and based on the entire records as produced by the petitioner, at the time of the enquiry, along with his statement of property had considered her case and passed the final order on 08.07.2022.

8. Learned counsel for the respondent would further submit that as far as the title is concerned, the RDO, Tambaram cannot decide the disputes in regard to title that is why the RDO, Tambaram, granted liberty to the petitioner to approach the Competent City Civil Court and the petitioner has not produced any documents related to the properties that the petitioner is the owner of the property at the time of enquiry, therefore, the writ petition is liable to be dismissed.



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WEB COPY 9. Heard both sides and perused all the materials available on record.

10. Admittedly, the petitioner has approached this Court on earlier occasion and filed a writ petition in W.P.No.6184 of 2006 dated 13.04.2006 praying for restraining the respondents or their sub-ordinates from using the subject land to the petitioner in S.No.43/1A1A1A1A Hasthinapuram Village, Tambaram Taluk, Kanchipuram District for purpose of Police Booth in W.P.No.6184 of 2006 in which this Court passed an order of interim stay which was already granted until further orders for which police booth was not erected.

11. Subsequently, the respondents are trying to put up a bus stand but in the earlier two occasions, the respondents have not stated that the land is a Government Poramboke Land and this Court directed to initiate proceedings to acquire the land under due process of law. But the same was not challenged by the respondents and therefore, now the then respondent passed the impugned order stating that it is a Government Poramboke Land and the petitioner is at liberty to work out his remedy before the Competent Civil Court. Now it is only on the petitioner to



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produce the document regarding the said land and he is the owner of it.

When earlier the respondents have not stated that it is a private land but now they say it is a Government Poramboke Land and therefore, this Court on earlier occasion directed three times to produce a registered document and other related documents. Therefore, under these circumstances it draws adverse inference as against the respondents and considering the earlier proceedings before this Court and directions, this writ petition stands allowed and the respondents are directed to initiate appropriate proceedings to acquire the land and pay compensation to the petitioner accordingly and they are directed not to put up any bus stand on the said land until the land is acquired under due process of law. There shall be no order as to costs. Connected Miscellaneous Petitions are closed.

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Index	:	Yes/No
Speaking Order	:	Yes/No
Neutral Citation Case	:	Yes/No

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