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W.P.No.25689 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 25689 of 2023
and W.MP.Nos.25114 & 25115 of 2023

Navalar Nagar Welfare Association,
(Regn. No.184/2003),
Represented by its Secretary,
Mr.A.Ashok Kumar,
At Old No.51, New No.9,
Muthumari Amman Koil Street,
Navalar Nagar, Anna Nagar West,
Chennai – 600 040.

... Petitioner

Vs.

1.The State Represented by
Additional Chief Secretary to Government,
Revenue and Disaster Management Department,
Secretary, Chennai.

2.The Secretary,
Tamil Nadu Housing Board,
Anna Salai, Nandanam, Chennai.

3.The Managing Director,
Tamil Nadu Housing Board,
Anna Salai, Nandanam,
Chennai.



4.The Executive Engineer,
Tamil Nadu Slum Clearance,
Anna Nagar Circle, Thirumangalam,
Chennai.

5.The District Collector,
Office of the District Collector,
Chennai.

6.The District Revenue Officer,
Regional Deputy Commissioner Office (North),
No.62, Basin Bridge Road,
Old Washermenpet, Chennai – 21.

7.The Revenue Divisional Officer,
Chennai Central Division,
Chennai.

8.The Tahsildar,
Aminjikarai Circle,
Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records in connection with the impugned order in G.O.(Ms.)No.197 dated 03.02.2021 passed by the first respondent and quash the same as illegal and improper.

For Petitioner : Mr.S.Sabarish

For Respondents 1, 5 to 8:Mr.G.Krishna Raja,
Additional Government Pleader

For Respondents 2 & 3 : Mr.D.Veerasekaran

For Respondent 4 : Mr.B.Balaji



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ORDER

The Government Order issued in G.O.Ms.No.197 Revenue and Disaster Management Department dated 03.02.2021 alienating the land measuring to an extent of 0.75 acres in S.F.No.205 (Part) classified as "Government Poromboke-Vandipaathai" in Villivakkam Village, Aminjikarai Taluk, Chennai District in favour of the Tamil Nadu Housing Board with usual terms and conditions and as laid down under RSO 24 is under challenge in the present writ petition.

2. The petitioner is the Navalar Nagar Welfare Association. The residents of Navalar Nagar formed an Association and registered the same. The petitioner association states that they had acquired the land in the year 1960 and continued to be in occupation of the subject land. The patta has been granted in their favour. The lands does not belong to the Housing Board and a small portion of the land was earlier classified as Vandi paathai and that was not belonging to the Housing Board. The petitioner association states that it is a Natham land meant for the occupation of the public. That being the factum, the alienation of the land by the Government through the



impugned G.O. is untenable and causing infringement of the rights of the members of the petitioner association.

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3. The petitioner admits that it is a natham land and they are in occupation. The petitioner has not claimed any title in respect of the subject land and that being the factum, they have to approach the civil court of law if at all, they claim title over the property.

4. The learned Additional Government Pleader appearing on behalf of the respondents raised an objection by stating that the subject land has been classified as Government Poromboke-Vandipaathai. In the revenue records, it is found that the land is belonging to the Government and a proposal was submitted by the Managing Director, Tamil Nadu Housing Board for allotting the said Government land for their usage. Accordingly, the Government considered the proposal submitted by the Tamil Nadu Housing Board and alienated the land measuring to an extent of 0.75 acres in S.F.No.205 (part) classified as Government Poromboke-Vandipaathai in Villivakkam Village, Aminjikarai Taluk, Chennai District in favour of the Tamil Nadu Housing Board with usual terms and conditions.



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5. The learned counsel appearing on behalf of the Tamil Nadu Housing Board reiterated that the lands belonging to the Government is alienated in favour of the Tamil Nadu Housing Board for the purpose of development. Since the Tamil Nadu Housing Board submitted a proposal for allotment of land, the Government considered and allotted the same on conditions.

6. This being the factum, the members of the petitioner have no right to claim title or ownership merely on the ground that they are in occupation. The members of the petitioner Association are encroachers and therefore, they are liable to be evicted.

7. Considering the fact that the subject land has been classified as Government Poromboke- Vandipaathai and the land is situated in the heart of Chennai city and proposed to be utilised for public purposes by the Tamil Nadu Housing Board, the petitioner has not established any right for the purpose of considering the relief.



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8. The petitioner has encroached upon the Government land and in occupation. Thus, they are liable to be evicted by following the procedures as contemplated under the Tamil Nadu Land Encroachers Act, 1905.

9. With these observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

01.09.2023

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Index : Yes

Speaking order

Neutral Citation : Yes



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To

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