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W.P.No.7998 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2023

CORAM :

THE HON'BLE MR. JUSTICE R. MAHADEVAN

AND

THE HON'BLE MR. JUSTICE MOHAMMED SHAFFIQ

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OMR Gandhinagar (T & S) Plot Owners
Association,
Rep. by its Secretary Mr.Venkataraman,
S/o.Seshappa Naidu,
New No.15, Old No.8, First Floor,
3rd Cross Street, Shastri Nagar, Adyar,
Chennai - 600 020.

... Petitioner

Vs.

1.The District Collector,
Kanchipuram.

2.The Registrar of Co-operative
Societies (Housing),
Tamil Nadu Housing Board Complex,
No.493, Anna Salai, Nandanam,
Chennai - 600 035.

3.The Special Officer,
The Gandhi Nagar Co-operative Housing Society Ltd.,
New No.22, Old No.79,
Gandhi Nagar Pumping Station Road,
Adyar, Chennai - 600 020.



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4.The Commissioner,
Panchayat Union,
Thiruporur Taluk,
Kanchipuram District.

5.The Tahsildar,
Thiruporur, Kanchipuram District.

6.The Block Development Officer,
Thiruporur Taluk,
Kanchipuram District.

7.The Inspector of Police,
Semmancheri Police Station,
Kanchipuram District.

8.E.Karunakaran
Former President,
Thiruporur Panchayat,
Kanchipuram District.

9.M/s.Parveen Travels
No.148, Perambur Baracks Road,
Puraisaiwakkam, Chennai - 600 007.

10.The Regional Deputy Director,
Town and Country Planning,
Kanchipuram.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents 1 to 7 to remove the encroachment made by the 9th respondent in public utility park area which is situated in S.Nos.19/1, 19/2A, 19/5, 20/4C and 20/5 of Thazhampur Village, Kanchipuram District measuring an extent of 1.90 acres earmarked for the common usage of plot owners of the society, consequently directing the 1st and 7th respondents to take appropriate action as against the 8th respondent for execution of illegal lease agreement dated 21.04.2011 in favour of the 9th



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respondent.

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For petitioner : Mr.R.Ezhil Arasan
For respondents : Mr.A.Selvendran
Special Government Pleader
for R1, R2, R4, R5, R6 R7, R10
Mr.L.P.Shanmugasundaram for R3
Mr.G.Perumal for R9

ORDER

(Order of the Court was made by R. MAHADEVAN, J.)

The petitioner-association has filed this writ petition for a direction to the respondents 1 to 7 to remove the encroachment made by the ninth respondent in public utility park area which is situated in S.Nos.19/1, 19/2A, 19/5, 20/4C and 20/5 of Thazhampur Village, Kanchipuram District measuring an extent of 1.90 acres earmarked for the common usage of plot owners of the society, and for consequential direction to the first and seventh respondents to take appropriate action as against the eighth respondent for execution of illegal lease agreement dated 21.04.2011 executed in favour of the ninth respondent.

2. Today, when the matter was taken up for hearing, the learned Special



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Government Pleader appearing for the respondent authorities produced a copy of the eviction notice in R.C.No.41/2023, dated 30.01.2023 issued by the President of Thazhambur Village Panchayat, wherein, it is *inter alia* stated that the agreement between the President, Thazhambur Village Panchayat and the ninth respondent for providing 1.90 acres of OSR land of OMR Gandhi Nagar Layout for 15 years at Rs.30,000/- per month as rent, has been considered as null and void stating that the same will benefit only to the ninth respondent and not to the community or public of the village panchayat and therefore, the village panchayat directed the ninth respondent to vacate the subject land within a period of 15 days.

3. In response, the learned counsel appearing for the ninth respondent sought time to vacate the subject property by the ninth respondent.

4. On the other hand, the learned standing counsel appearing for the 8th respondent raised objection for extension of time to the ninth respondent for vacating the subject property, stating that the 9th respondent is utilizing the subject property by paying a merge sum of Rs.30,000/- per month as rent.

5. Considering the overall submissions made by the learned counsel



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appearing for all the parties, this court disposes of this writ petition by granting extension of time till 13.03.2023, for vacating the subject property by the ninth respondent, failing which, the respondent authorities shall proceed with the eviction proceedings against them as per law. It is made clear that the ninth respondent shall pay the arrears of rent @ Rs.30,000/- per month till the date of vacation of the property, forthwith.

6. With the above direction, the writ petition is disposed of. No costs.

Post the writ petition for reporting compliance on 20.03.2023.

[R.M.D,J.] [M.S.Q, J.]
31.01.2023

r n s

Speaking Order

Internet : Yes

Index : Yes /No

To

1.The District Collector,
Kanchipuram.



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