



W.P.No.34432 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 12.12.2023

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.34432 of 2023 and
WMP.No.34350 of 2023

R.Vijayavarman

... Petitioner

Vs

- 1.The District Collector,
Salem District,
Salem.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Salem Taluk, Salem District.
- 3.The Deputy Director,
Salem District Town and Country Planning Office
Thalavapatti, Kolapatty, Salem,
Tamil Nadu – 636 030.
- 4.The Commissioner
Salem Municipal Corporation,
Salem – 636 001.
- 5.The Tasildhar,
Salem Taluk,
Salem.
- 6.The Chief Engineer,
Highways Department,



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Government of Tamilnadu,
Chennai.

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7.The Divisional Engineer (H),
Kuranguchavadi,
Omalur Main Road,
Salem-636 004.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the Respondents 1 to 7 or their men and agents and others claiming through them from disturbing the peaceful possession of the Patta Lands situated in S.No.17/1A1C in 002 Kannangurichi Town Panchayat, Salem Taluk and Salem District and consequently forebear them from erecting any developments in violation of the Tamil Nadu Combined Building Development Rules and the Relevant Government orders and applicable acts relating to erection of Statues in the abovementioned S.No.17/1A1C in 002 Kannangurichi Village, Salem Taluk and Salem District, without following the due process of law.

For Petitioner : Mr.Sricharan Rangarajan, Senior Counsel
for Mr.C.Vigneswaran

For Respondents : Mr.KMD.Muhilan
Additional Government Pleader

ORDER

Mr.KMD.Muhilan, learned Additional Government Pleader accepts notice for all respondents barring the Commissioner, Salem Municipal Corporation/R4 and has obtained necessary instructions enabling a final



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disposal of this matter at this juncture. By consent expressed by both learned counsel, the present order is passed disposing the writ petition finally.

2.The subject matter of the writ petition are the properties in Survey No.18/2 and Survey No.17 of Kannankuruchi Town Panchayat, Salem Taluk, Salem District which originally belonged to one K.R.S.P.Thirunavukkarasu and 5 others. It was in this site that Modern Theatres and its studios had been situated.

3. The property had been converted into approved housing plots and sold on 20.08.2004 through power of attorney in favour of the petitioner's father Ravevarmah. The petitioner claims that the revenue records have also been mutated and patta had been issued and that his father had been in continuous possession and occupation of the property thereafter.

4.The petitioner had been the beneficiary under a settlement deed executed on 09.03.2023 with respect to lands ad-measuring 1.25 acres in Survey No17/1A1C in Kannankurichi Town Panchayat in Salem Taluk (property in question) and claims to be in possession and enjoyment of the same holding patta as well.

5.To be noted that the original Arch which was the entrance to Modern Theatres is being maintained till date, bearing in mind the sentiment attached thereto. While this is so, the petitioner states that there have been attempts by



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certain persons pressurising the petitioner to give away a portion of his lands for erection of a statue of Dr.Kalaignar Karunanidhi. The petitioner has not been inclined to accede to those demands.

6.While so, he claims that there was an inspection on 01.12.2023 by the respondents, who have commenced to survey in the subject property without any notice. There are various allegations with regard to how the name board of the petitioner has been removed and moves taken for expansion of the highway.

7.The petitioner states that boundary stones have been laid by the Highways Department inside his property for which they hold no authority. The present writ petition has been filed alleging that the respondents have blocked access to his property, have threatened him with dire consequences such as criminal cases and interference with official duties and apprehending grave prejudice to his ownership and possession of the property in question.

8.Learned Additional Government Pleader would, for his part, deny all the allegations made. He conveys his oral instructions to the effect that some portion of the petitioner's property is believed, prima facie to constitute an encroachment into the Highway. It is for this reason that the authorities have commenced verification which they are expected, and in fact, bound to undertake the inspection thus far and is only of the Highway itself. No prior notice is required in this regard to the petitioner. Needless to state, any further



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survey / inspection that results in an incursion into the petitioner's property will be preceded by necessary notice and further proceedings will be conducted strictly in line with the provisions of the Tamil Nadu Highways Act, 2001 and allied Rules / Regulations.

9.This writ petition is hence closed with no order as to costs. Connected miscellaneous petition is closed.

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vs

Index : Yes / No

Speaking order

Neutral citations: Yes

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