



W.P.No.36388 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.12.2023

CORAM :

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

AND

THE HON'BLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.36388 of 2023

J.Samson

.. Petitioner

VS

1.The District Collector,
Thiruvallur District.

2.The District Revenue Officer,
Thiruvallur District.

3.The Revenue Divisional Officer,
Thiruvallur District.

4.The Tahsildar,
Poonamallee,
Thiruvallur District.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the records of the fourth respondent in Na.Ka.1838/2022/Aa1 dated 30.11.2023 and quash the petitioner's portion only as illegal incompetence and wholly without jurisdiction and also forbearing



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the respondents from taking any coercive action to dispossess or demolish the petitioner's building in S.No.106/1, 107/1, Plot No.30-A, Sennerguppam Village, Ponamallee Taluk, Thiruvallur District.

For the Petitioner : Mr.G.Mohammed Aseef

For the Respondents : Mr.J.Ravindran
Addl. Advocate-General
assisted by
Mr.M.Bindran
Addl. Government Pleader

ORDER

(Order of the court was made by *Abdul Qudhose, J.*)

This writ petition has been filed challenging the impugned order dated 30.11.2023 passed by the Tahsildar, Poonamallee Taluk, Tiruvallur Taluk/fourth respondent herein.

2. The petitioner claims to be the owner of the property in S.No.106/1, 107/1, Plot No.30-A, Sennerguppam Village, Poonamallee Taluk, Thiruvallur District. The petitioner apprehends that under the guise of the impugned order, the respondents may



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demolish the petitioner's house situated in the aforesaid address.

According to the petitioner, since the petitioner's name is reflected in the impugned order dated 30.11.2023, he apprehends that his house situated in the aforesaid address may also be demolished.

3. Mr.J.Ravindran, learned Additional Advocate-General, assisted by Mr.M.Bindran, learned Additional Government Pleader, accepting notice for the respondents, on instructions, would submit that the survey number in question being a water channel, the impugned order has been issued.

4. The learned counsel for the petitioner also drew the attention of this Court to the documents filed along with this writ petition, which includes the title deeds standing in the name of the petitioner, and would submit that the construction has been put up by the petitioner pursuant to the building planning permission granted by the Sennerguppam Panchayat and therefore, the respondents do not have any right to demolish the building.



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5. As seen from the impugned order dated 30.11.2023 issued by the fourth respondent, it is clear that the removal of encroachment pertains to only S.No.106/4 and not S.Nos.106/1 and 107/1 as indicated in the impugned order dated 30.11.2023. Therefore, the respondents can confine removal of encroachment only in respect of S.No.106/4 as indicated in the impugned order dated 30.11.2023.

6. The petitioner's interest will be protected if this Court directs the respondents to strictly comply with the removal of encroachment pertaining to S.No.106/4 alone as reflected in the impugned order dated 30.11.2023. The learned counsel for the petitioner is also satisfied if such a direction is issued by this Court.

7. Accordingly, the writ petition is disposed of by directing the respondents to remove encroachment in respect of S.No.106/4 alone as reflected in the impugned order dated 30.11.2023 and if they so desire to remove the encroachments in other survey numbers adjoining the subject land, they shall do so only after



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following the due procedure established under law. No Costs.

Consequently, W.M.P.Nos.36392 and 36393 of 2023 are closed.

(A.Q., J.)

(G.A.M., J.)

28.12.2023

Index : Yes/No
Neutral Citation : Yes/No
bbr/dsa

To

- 1.The District Collector,
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- 3.The Revenue Divisional Officer,
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- 4.The Tahsildar,
Poonamallee,
Thiruvallur District.



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G.ARUL MURUGAN, J.

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