



W.P. No. 5659 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2024

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 5659 of 2024

and

W.M.P. Nos. 6260 and 6261 of 2024

M/s. Jaya Soap Works Pvt. Ltd.,
Represented by its Managing Director,
Mr. A.J.Saravanan,
No. 6, Nackeerar Street,
Otteri,
Chennai – 600 012.

... Petitioner

-VS-

1. The District Collector,
Thiruvallur District,
Thiruvallur.
2. The District Revenue Officer,
Tiruvallur District,
Tiruvallur.
3. The Revenue Divisional Officer,
Ponneri Revenue Division,
Ponneri,
Thiruvallur District.
4. The Tahsildar,
Ponneri Taluk,
Tiruvallur District.
5. The Block Development Officer (Village Panchayat),
Cholavaram Union,
Ponneri Taluk,
Thiruvallur District.

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Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari Mandamus, calling for the records of the First Respondent in vide Ref. No. Se. Mu. Na. Ka. No. 2427/2023/A4 dated 27.09.2023 and quash the same in respect of Sl. No. 11 of impugned order constructing Anganwadi building at S. No. 26, Orakadu Village, Ponneri Taluk, Tiruvallur District and consequently directing the Respondents to restore the suit property from the Respondents by way of implementing the interim order dated 08.09.2023 till the disposal of suit in I.A. No. 02 of 2023 in O.S. No. 357 of 2023 on the file of IV Additional District Judge, Thiruvallur at Ponneri.

For Petitioner : Mr. V.Arun
for Dr. S.Ambigai Dass

For Respondents : Mr. V.Ravi,
Special Government Pleader
(for R1 to R4)

Mr. V.Nanmaran (for R5)

ORDER

Heard Mr. V.Arun, Learned Counsel appearing for the Petitioner, Mr. V.Ravi, Learned Special Government Pleader appearing for the First to Fourth Respondents and Mr. V.Nanmaran, Learned Counsel for the Fifth Respondents and perused the materials placed on record, apart from the



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pleadings of the parties.

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2. The Petitioner claims to have purchased land of an extent of 13.19 acres in Survey No. 26, Orakadu Village, Ponneri Taluk, Tiruvallur District by way of Certificate of Sale No. 31/2006 dated 11.05.2006 and even mutation has been made in the revenue record and patta has been issued in the name of the Directors of the Company of the Petitioner, viz., A.J.Saravanan, S.Uma Saravanan and J.Pushpam. However, the request for supplying copy of the said patta was subsequently rejected and the said land was re-classified as grama natham by Order No. Na. Ka. 3658/2021/A4 dated 09.05.2022 passed by the Third Respondent and confirmed in appeal by Order No. Na. Ka. 16107/2022/Aa3 dated 14.07.2023 passed by the Second Respondent. The Petitioner has then filed suit in O.S. No. 357 of 2023 against the President and Vice-President of Orakkadu Village Panchayat before the IV Additional District Court, Tiruvallur @ Ponneri and had also obtained interim injunction, which continues to be in force. Thereafter, the First Respondent by Order in Se. Mu. Na. No. 2427/ 2023/A4 dated 27.09.2023 sanctioned funds for construction of Anganwadi Centre in the said land, which is challenged in this Writ Petition.

3. Learned Counsel for the Petitioner contends that the First Respondent while granting permission for construction of Anganwadi Centre, had



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specifically mentioned in the conditions that the construction should take place

in undisputed land, but the Respondents have violated the same.

4. It is highlighted that proviso to Section 14 of the Tamil Nadu Patta Pass Book Act, 1983, makes it clear that if any person is aggrieved as to any right of which he is in possession, by an entry made in the patta pass book under that Act, he may institute a suit against any person denying or interested to deny his title to such right, for a declaration of his rights under Chapter VI of the Specific Relief Act, 1963, and the entry in the patta pass book shall be amended in accordance with any such declaration. It is informed that the Petitioner has filed an application to implead the First to Fifth Respondents in this Writ Petition as the Third to Seventh Defendants in the suit in O.S. No. 357 of 2023 before the IV Additional District Court, Tiruvallur @ Ponneri along with another application to dispense with notice to the requisite notice under Section 80 of the Code of Civil Procedure, 1908, on account of the urgency. In view of the dictum laid down by the Division Bench of this Court following that legal position in the decision in ***Vishwas Footwear Company Limited -vs- District Collector, Kancheepuram*** [(2011) 5 CTC 94], the Respondents would have to await the outcome of the said suit in which the application filed by the Petitioner under Section 80 of the Code of Civil Procedure, 1908, to satisfy the procedural formalities is said to be now pending.



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5. In such circumstances, it shall be incumbent upon the IV Additional District Court, Tiruvallur @ Ponneri to conduct the proceedings in the suit in O.S. No. 357 of 2023 following the prescribed procedure affording full opportunity of hearing to all parties concerned, uninhibited and uninfluenced by any of the earlier orders passed on merits and in accordance with law, and ensure that there is atleast one effective hearing every month showing progress of the case and quarterly reports in that regard are sent to the Registrar (Judicial) of the Court till it is disposed finally. It is made clear that in view of the order of interim injunction in force in that suit, the Respondents shall not carry out any construction of Anganwadi Centre and if there is any urgent necessity for Orakkadu Village Panchayat to construct Anganwadi Centre, they may identify any other suitable place in that regard.

In the result, the Writ Petition is ordered on the aforesaid terms. Consequently, the connected Miscellaneous Petitions are closed. No costs.

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Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 05.06.2024.

vjt



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To

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1. The District Collector,
Thiruvallur District,
Thiruvallur.
2. The District Revenue Officer,
Tiruvallur District,
Tiruvallur.
3. The Revenue Divisional Officer,
Ponneri Revenue Division,
Ponneri,
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4. The Tahsildar,
Ponneri Taluk,
Tiruvallur District.
5. The Block Development Officer (Village Panchayat),
Cholavaram Union,
Ponneri Taluk,
Thiruvallur District.

Copy to

1. The Registrar (Judicial),
Madras High Court,
Chennai – 600104.
2. The IV Additional District Court,
Tiruvallur @ Ponneri.



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P.D. AUDIKESAVALU, J.

vjt

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