



C.M.P.Nos.7247 of 2024 & 21076 of 2022

in

W.A.No.2633 of 2022

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S.M.SUBRAMANIAM, J.

and

K.RAJASEKAR, J.

[Order of the Court was made by **S.M.SUBRAMANIAM, J.**]

The subject property as per the “A” Register Book in Survey Nos.22/1 and 22/2 of Puliyaibedu Village, Poonamallee Taluk, Tiruvallur District as “Anadeenam Lands”. The land primitively not claimed by any person during the survey and settlement under the provisions of the Tamil Nadu Survey and Boundaries Act, 1923 are under the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act, 1948 were declared as “Anadeenam Lands”. Such lands absolutely vested with the Government.

2. Learned Senior Counsel appearing on behalf of the appellants would submit that decree stands in favour of the appellants.

3. We have perused the Civil Court decree, which would indicate that the suit was instituted to declare that the subject property is not Anadeenam



Land. We have doubt about such declaration obtained from the Civil Court of Law.

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4. The “A” Register of the subject land, which indicated that the land in question particularly No.92, Noombal Village (Puliambedu Village, Poonamallee Taluk, Tiruvallur District) was surveyed under the Estate Abolition Act 26 of 1948 and Puliyambedu Village being an estate, the said land was taken over by the Government under the Act 26 of 1948 on 01.05.1963 vide G.O.Ms.No.1127, (Revenue Department) dated 16.03.1963.

5. The said “A” Register maintained for the village published by the Assistant Land and Settlement Officer, Chengalpet dated 20.06.1959 have classified S.Nos.22/1 and 22/2 of the said village land as “Well and Anadeenam”. Similarly the Adangal Register maintained by the Village Administrative Officer, Puliyampattu Village by certificate dated 30.11.2017 had also entered the classification of the said land as “Punjai Anadeenam”.

6. Several civil suits are instituted. However, we find there is a force



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on the contentions of the respondents with reference to the revenue records, which were originally maintained by the Government. The subsequent documents, if any created are to be examined relating to its genuinity.

7. Learned Senior Counsel appearing on behalf of the Tamil Nadu Urban Habitat Development Board (TNUHDB) and learned Special Government Pleader appearing on behalf of the Government would submit that the subject lands have already been handed over to the Board for construction of tenements for the benefit of the poor homeless people in Chennai City.

8. Learned Senior Counsel appearing on behalf of the Tamil Nadu Urban Habitat Development Board (TNUHDB) further submitted that 20% of the project works have already been completed. However, the said submission was disputed by the learned Senior Counsel for the appellants.

9. May that as it be, we are of the opinion that the appellant has not made any *prima facie* for grant of interim order. The subject lands have already been handed over to the Tamil Nadu Urban Habitat Development



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Board (TNUHDB) for construction of tenements under the welfare scheme for the benefit of poor homeless people.

10. That being the factum, all other issues raised by the parties are to be adjudicated during the final hearing. If at all the appellants succeed at that time, the Court will apply the the principles of equity.

11. However, the Tamil Nadu Urban Habitat Development Board (TNUHDB) shall proceed with the construction of tenements under the Government Welfare Schemes for the benefit of the poor homeless people. It is made clear that the project must go on and such projects cannot be stalled on account of the pendency of the present writ appeals.

12. Since the balance of convenience stands in favour of the respondents, the interim order of status-quo granted in C.M.P.No.21076 of 2022 in W.A.No.2633 of 2022 stands vacated and the vacate stay petition in C.M.P.No.7247 of 2024 in W.A.No.2633 of 2022 stands allowed.

13. Post the Writ Appeals after one (1) week, under the caption “For



Final Hearing”.

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[S.M.S., J.] [K.R.S., J.]
25.03.2024



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S.M.SUBRAMANIAM, J.
and
K.RAJASEKAR, J.

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