



W.P.No.10326 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.P.No.10326 of 2019
and
W.M.P.Nos.10874, 10871 & 10873 of 2019

Kumili Village Adi Dravidar
Residents Welfare Association,
rep.by its Secretary Mrs.Vimala.

... Petitioner

Vs.

1. The Secretary to Government,
Revenue Department,
Government of Tamil Nadu,
Fort St.George, Chennai-09.
2. The Additional chief Secretary and
Commissioner of Land Administration,
Chepauk, Chennai-5.
3. The District Collector,
Kancheepuram District,
Kancheepuram.
4. The District Revenue Officer,
Kancheepuram District,
Kancheepuram.



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5. The Revenue Divisional Officer,
Chengalpattu,
Kancheepuram District.

6. The Tahsildar,
Chengalpattu Taluk,
Kancheepuram District.

7. Mr.A.Umapathi

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the Public Notice in Na.Ka.No.1986/ 2012/B2, dated 23.03.2019 passed by 6th respondent and quash the same in so far as the members of the petitioner association is concerned and consequently direct the respondents 1 to 6 to issue house site patta to members of the petitioner Association in the Karadu Poramboke Land, in S.No.310/1, situated at No.19-Kumili Madura Mettupalayam, J.J.Nagar, Kumili Panchayat, Chengalpattu Taluk, Kancheepuram District.

For Petitioner : Mr.A.Ramalingam

For Respondents : Mr.A.Selvendran,
Special Government Pleader,
(for R1 to R6);

No Appearance (for R7);



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ORDER

WEB COPY *(Order of the Court was delivered by S.M.Subramaniam J.)*

The notice issued by the Tahsildar Chengalpet, under the provisions of the Tamil Nadu Land Encroachment Act, 1905, dated 23.03.2019, is under challenge in the present writ proceedings.

2. A public notice was issued to the alleged encroachers on identification of their encroachments in the Government land, classified as "karadu poramboke". Pertinently, the notice was issued pursuant to the orders passed by this Court in W.P.No.27105 of 2014 dated 13.10.2014, and in contempt petition filed in Contempt Petition.No.1104 of 2017.

3. Even in the contempt proceedings, this Court directed the authorities to remove the encroachments and utilise the Government land for public purposes. Thereafter, on 07.03.2024, the Tahsildar, Vandalur, has given a written instructions to the Government Pleader stating that 16 persons were identified as homeless poor people and they will be provided alternate tenement through Tamil Nadu Urban Habitat Development Board. Remaining encroachers are having other properties and they are not poor people. Such encroachments by the people for unjust gains, at no



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circumstances be permitted. Greedy men, by encroaching of public lands, are infringing the public right and therefore, no leniency can be shown to such persons, who all are attempting to encroach upon the public lands.

4. In respect of the 16 poor homeless people identified, the respondents are bound to allot alternate tenement through Tamil Nadu Urban Habitant Development Board and in respect of all other encroachers, they all have to be removed by following the procedures. Since, a notice has already been issued in proceeding dated 23.03.2019, the authorities may inform the encroachers to submit their respective objections, if any, within a period of 10 days from the date of receipt of a copy of this order.

5. Objections, if any received, shall be looked into and after identification of all the encroachments without any ambiguity, the authorities shall remove the same without granting any further time. At the outset, by following the procedures, all the encroachers identified are directed to be removed within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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6. With these directions, the writ petition stands disposed off.

However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S.J.,)

(K.R.S.J.,)

15.03.2024

Index : Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

(sha)

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S.M.SUBRAMANIAM, J.

and

K.RAJASEKAR, J.

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