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W.P. No. 11863 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2024

CORAM

THE HON'BLE MR.JUSTICE S. VAIDYANATHAN

AND

THE HON'BLE MR. JUSTICE K. RAJASEKAR

W.P. No. 11863 of 2020

&

W.M.P. No. 15008 of 2020

S. Latha

..Petitioner

Vs.

1. The District Collector,
Thiruvallur District,
Thiruvallur.
2. The District Collector,
Chennai District.
3. The Director,
Town Survey and Settlement
Department,
Chepauk, Chennai 600 005.
4. The Assistant Engineer,
PWD Water Resources Department,



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Red Hills Irrigation Section,
Red Hills, Chennai – 600 052.

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5. The Assistant Engineer,
Electricity Distribution Circle,
Menampedukarukku,
Chennai – 600 053.

6. The Special Tahsildar,
Ambattur Taluk, Ambattur,
Thiruvallur District,
Thiruvallur.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the respondents, not to disturb petitioner's peaceful possession and enjoyment of the property, bearing Survey No. 810/5 situated at 25, R.K. Thatchan Nagar, 2nd Street, karukku, Korattoor Village, Ambattur, Chennai – 600 053, Tamil Nadu, either by demolishing the house, disconnected the street lights, dismantling the road.

For Petitioner :: Mr.S.V. Ramamurthy

For Respondents :: Mr.J. Ravindran,
Addl. Advocate General
assisted by
Mr.A. Selvendran
Special Govt. Pleader
for R1, R2, R4 and R6
Mr.L. Jaivenkatesh for R5
No appearance for R3
O R D E R



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(Made by *S. Vaidyanathan, J.*)

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The writ petition is filed for issue of a Writ of Mandamus directing the respondents, not to disturb petitioner's peaceful possession and enjoyment of the property, bearing Survey No. 810/5 situated at 25, R.K. Thatchan Nagar, 2nd Street, karukku, Korattoor Village, Ambattur, Chennai – 600 053, Tamil Nadu, either by demolishing the house, disconnected the street lights, dismantling the road.

2. The case of the petitioner is that she had purchased a vacant land bearing Survey No. 810/5 from one D. Mary Daisy Rani registered vide Document No. 4433 of 2011 dated 31.10.2011 in the office of the Sub Registrar, Villivakkam. Thereafter, the petitioner had put up construction by availing loan, obtained electricity connection and also paying the required taxes. The petitioner states that she is a daily wage earner. While so, on 12.10.2018, the staff from District Revenue Authorities, without giving any notice, started demolishing 4 houses in the presence of officials of Public Works Department and TNEB stating that the land belongs to Public Works Department. As the residents protested and there was widespread anger and commotion, the demolition was stopped. However, without giving notice, the



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electricity connection to the street lights has been disconnected and supply of normal drinking water has also been curtailed. According to the petitioner, her land does not come under the purview of water course and that the revenue authorities are taking action without following due process of law. The notice dated 29.06.2020 sent by the petitioner to the respondents regarding the action taken by them and to rectify the damages caused to her has not been replied to. Hence, the present writ petition.

3. When the matter is taken up, the District Collector, Chennai, is present before this Court to assist the Court. The communication of the District Collector, Chennai District dated 22.01.2024 addressed to the learned Special Government Pleader is also produced before this Court wherein it is stated as hereunder:

".....The petitioner Tmt. Latha claims that she has purchased an extent of 600 sq.ft land comprised in Survey No. 810/5 of Korattur Village in Ambattur Taluk through sale deed number 4433/2011, dated 31.10.2011. She availed loan amount of Rs.5 lakh from Equitas bank. But, as per field inspection, her property situated in old survey number 813 of



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Korattur Village, adjacent to the patta land survey number 810/5. (Sketch enclosed).

According to the Revenue land records, her property lies in the S.No. 813 of Korattur Village, which is classified as Government Eri Poramboke. Even though the survey number mentioned in the document is 810/5, on field, it is in survey number 813 only and according to the Town Survey land records, the petitioner property situated in T.S. No.1, Block No. 18, Ward E which is correlated to the old survey no. 813.

It is noted that the old survey numbers 809, 810, 811, 812, 814, 815 and 816 total extent of about 15 Acres 65 cents, these survey numbers are lying adjacent to the survey no. 813 (Eri).

.....

It is submitted that the Survey No.810/5 is a patta land registered in the name of 287, Karukku V. Ponnappa Reddy, as per A Register of Korattur Village and the petitioner claimed the property in S.No. 810/5 is not correct. Her property is situated in S.No. 813 (which is 23.4 Meter northern side to S.No. 810)".

Besides, the map showing Korattur Tank area and the Layout has been produced before this Court, from a perusal of which, it is clear that the



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petitioner is not residing in S.No. 810/5, as S.No. 810 is shown to be away from the area shown as lake. Though in the sale deed, Survey No. 810/5 is mentioned, the petitioner appears to be residing in a different area, which is located in the lake. In other words, the property which the petitioner had taken possession is situated in Survey No. 813, which is a water body. One of us (SVNJ) is aware that Korattur lake and Villivakkam lake have shrunk to a larger extent on account of encroachment and no person can be permitted to encroach upon water body.. Hence, we are of the view that the relief sought by the petitioner cannot be granted and the writ petition stands dismissed. However, liberty is granted to the petitioner to proceed against the person, who sold the property to her. No costs. Connected W.M.P. is closed.

4. Before parting with the case, it is made clear that the portion of the water body in Survey No.813 needs to be protected by the authorities and there should be periodical inspection, at least monthly once. Steps should also be taken to remove the encroachment in the water body, if any. Since the District Collector, Chennai District is present before this Court, we



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expect that the aforesaid direction given by this Court is complied with in letter and spirit.

(S.V.N.J.) (K.R.S.J.)

nv

22.01.2024

To

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Thiruvallur.
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