



W.P.No.13735 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.13735 of 2024
and W.M.P.No.14900 of 2024

P.Devaki

... Petitioner

-Vs-

1. The District Collector,
Chengalpattu District,
Chengalpattu.
2. Thasildar,
Thirukalukundram,
Chengalpattu District.
3. Block Development Officer,
Thirukalukundram Panchayat,
Thirukalukundram Union,
Chengalpattu District.
4. The President,
Vallipuram Panchayat,
Thirukalukundram Taluk,
Chengalpattu District.
5. The Village Administrative Officer,
Vallipuram Village,
Thirukalukundram Taluk,
Chengalpattu District.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India



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praying for the issuance of a Writ of Mandamus, forbearing the Respondents 3 to 5 from evicting petitioner from Cheri Natham property compromised in Old Survey No.261/9 and New Survey No.364/1 Kamarajar Street, Vallipuram village and post, Thirukalukundram Taluk, Chengalpattu District ad-measuring 3 cents.

For Petitioner	: Mr.P.Sonu for Mr.C.K.M.Appaji
For R1 and R2	: Mr.P.Gurunathan Additional Government Pleader
For R3 and R4	: Mr.S.J.Mohamed Sathik Government Advocate

ORDER

This writ petition has been filed forbearing the Respondents 3 to 5 from evicting petitioner from Cheri Natham property comprised in Old Survey No.261/9 and New Survey No.364/1, Kamarajar Street, Vallipuram village and post, Thirukalukundram Taluk, Chengalpattu District ad-measuring 3 cents.

2. Heard and perused the materials available on record.

3. The petitioner is residing in the property comprised in Survey



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No.261 and New Survey No.364/13, Vallipuram village and post, Thirukalukundram Taluk, Chengalpattu District. In the north-western side of said property, the property to an extent of 3 cents comprised in S.No.364/1 is also under possession and enjoyment of the petitioner by putting up cattle shed and also preserved haystack and livestock in the said property. While being so, the fourth respondent selected the said place for construction of ration shop due to previous enmity.

4. The learned counsel for the petitioner would submit that though it is assumed that the petitioner is an encroacher, without due process of law, the petitioner cannot be evicted from the possession and enjoyment of the subject property.

5. The third and fourth respondents filed counter and the submissions made by the learned Government Advocate appearing for the third and fourth respondents revealed that the third and fourth respondents proposed and planned to construct a ration shop in the vacant land with Toilet facility comprised in Old S.F.No.364/1, New S.F.No.262/1 to an extent of 00211 sq.meter in No.31, Vallipuram



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Village, Thirukalukundram Firka, Thirukalukundram Taluk, Chengalpattu. It is classified as Government Poramboke, Adi Dravidar Natham, as per the UDR 'A' Register. As per the Adangal Register, it is classified as Sarkar Poramboke, Kalli Natham. As per new computerized 'A' register it is classified as Government Poramboke. Therefore, the said place were selected for construction of ration shop. The third respondent by its proposal dated 29.02.2024, communicated to the first respondent for administrative sanction. It was sanctioned on 02.03.2024 under Anaithu Grama Anna Marumalarchi Thittam – II (2024-2025) and fund allocation to construct ration shop in the proposed land. Before the said proposal Notice-A was also issued under the Panchayat Act to the general public to invite objections if any from the general public. However, there was no objections and as such, the fifth respondent submitted a detailed report dated 08.05.2024 for land transfer and allotment.

6. In fact, the petitioner had illegally demolished the toilet building which was constructed in the proposed land and tried to grab the said land by raising temporary structure in the form of bamboo hut. Already, the



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petitioner owned properties comprised in Old S.F.No.262/1 part, New S.F.No.364/14, ad-measuring 0177 sq.m, New S.F.No.103/4B2A, ad-measuring 0.06.0 ares and New S.F.No.98/1, ad-measuring 0.65.0 ares.

7. In view of the above, the writ petition is devoid of merits and is liable to be dismissed. Accordingly, this writ petition stands dismissed. Consequently, connected Miscellaneous petition is closed. No costs.

19.08.2024

Internet: Yes
Index : Yes/No
Neutral Citation: Yes/No
Speaking/Non Speaking order
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G.K.ILANTHIRAIYAN. J.

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To

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