



W.P.No.23487 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2024

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CORAM :
THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.23487 of 2018
and W.M.P.No.27400 of 2018

1.A.Devadassan

2.Ranjitham

3.G.Dharmalingam

S.Dhakshinamurthy

5.K.Venu

6.R.Kasthuri

7.Vimalabai

8.K.Murugesan

9.S.Sasikala

10.A.Chendhamarai

... Petitioners

Vs.

1.The Collector,
Kanchipuram District,
Kanchipuram.

2.The Revenue Divisonal Officer,
Thambaram, Chennai -45.

3.The Tahsildar,
Alandur Taluk,
Alandur,
Chennai – 16.

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4.Public Works Department (W.R.D),
Rep. by its Asst. Engineer,
Padappai,
Chennai – 601 301.

5.The Chief Engineer,
Highways & Rural works Department,
Chepauk,
Chennai – 600 005.

6.Alandur Municipality,
Rep. by its Commissioner,
Chennai – 600 016.

7.The Special Commissioner and Director,
Survey and Settlement Office,
Survey House, Chepauk,
Chennai – 600 005.

8.Kundrakudi Thiruvannamalai Adheenam
Rep. by its Adheenakartha,
Thiruvannamalai Adheenam,
Office at Hotel Karpagam,
South Mada Street,
Mylapore,
Chennai – 600 004.

9.The Inspector of Police,
Adampakkam,
Chennai – 600 088.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus forbearing the respondents from evicting the petitioners from their respective occupation in S.No.104/1, T.S.No.2, E-Ward,



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Block No.16 of Adambakkam Village, Alandur Taluk, Kanchipuram District
without following the procedure laid down under law.

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For Petitioner : Mr.S.Doraisamy

For Respondents 1 to 6,7 & 9 : M/s.R.L.Karthika,
Government Advocate

For Respondent 8 : No appearance

ORDER

This writ petition has been filed to forbear the respondents from evicting the petitioners from their respective occupation in S.No.104/1, T.S.No.2, E-Ward, Block No.16 of Adambakkam Village, Alandur Taluk, Kanchipuram District without following the procedure laid down under law.

2. The case of the petitioners is that the petitioners are all in possession of land to the extent mentioned in annexure in S.No.104/1, T.S.No.2, E-ward, Block No.16 of Adambakkam Village, Alandur Taluk (previously Tambaram Taluk) continuously for more than 50 years. Originally, the property belongs to the 8th respondent. After the enactment of Tamil Nadu Minor Inams Act, 1963, the lands were vested with the Government by G.O.Ms.No.401, Revenue Department dated 01.02.1965. This being so, many



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of the occupants have filed applications before the assistant Settlement Officer (North), Thiruvannamalai for issuance of patta, as per the provisions of the Act. The Assistant Settlement Officer conducted an enquiry and passed an order in Tha.Pa.No.1/2000, directing the third respondent to grant patta.

2.1. The petitioners herein have preferred an application before the 7th respondent, requesting to issue patta and the same is pending. Hence, the petitioners have sent a reminder to the 7th respondent, but no order is passed till date. Similarly placed persons like the petitioners have preferred application before the 7th respondent individually. Pending appeal, the respondents 1 to 5 inspected the spot and directed the occupants to vacate the premises within a period of one week. Hence, they filed a writ petition before this Court in W.P.No.9902 of 2009 and the same was admitted by this Court with a direction to maintain a “*status quo*” and the writ petition is pending disposal. Thereafter, the respondents 2, 3 & 6 visited the place of the petitioners and informed them to vacate the house and hand over the possession to the respondents within a period of one week, failing which they will be forcibly evicted with the help of the police. Hence, the petitioner has filed this writ petition.



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3. Learned counsel for the petitioners submitted that the petitioners are not illegal occupants and they are in possession of the said land for more than 50 years continuously. Even, if it is an illegal encroachment, the authorities should follow the procedure and pass order of eviction so that the occupants can agitate their grievances before the legal forum.

4. Learned Government Advocate appearing for the respondents 1 to 7 & 9 has circulated a copy of the instruction given by the third respondent/Tahsildar, Alandur vide R.C.No.A1/1080/2024, dated 08.07.2024, wherein it is stated that the old S.No.104/1 of Adambakkam Village is correlated to T.S.No.2, Block No.16, Ward “E” of Adambakkam Town during Town Survey, the said land stands classified as “Circar Poromboke” with an extent of 13.8196 Hectares (equivalent to 34.15 Ares). For better appreciation and understanding, the A Register of said land is extracted hereunder:

<i>Ward</i>	<i>“E”</i>	<i>“E”</i>	<i>“E”</i>
<i>Block No.</i>	<i>16</i>	<i>16</i>	<i>16</i>
<i>T.S.No.</i>	<i>1</i>	<i>2</i>	<i>1</i>
<i>Old S.No.</i>	<i>104/1</i>	<i>104/1</i>	<i>104/2</i>



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<i>Classification</i>	<i>Circar Poromboke</i>	<i>Circar Poromboke</i>	---
<i>Extent</i>	<i>Hec.Ares.Sq.mts. 0 0380 0</i>	<i>Hec.Ares.Sq.mts. 12 7750 0</i>	<i>Hec.Ares.Sq.mts. 1 1150 0</i>
<i>Shara</i>	<i>Eri</i>	<i>Eri</i>	<i>Niluvai (Held Over)</i>

5. Learned Government Advocate appearing for the respondents 1 to 7 & 9 further submitted that the said land stands classified as Circar Poromboke and meant for a watercourse. However, the eviction if any would be carried out only under due process of law.

6. Heard the learned counsel on either side and perused the materials available on record.

7. By taking into consideration the written instruction given by the third respondent/Tahsildar, Alandur in R.C.No.A1/1080/2024, dated 08.07.2024, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

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Speaking Order : Yes/No
Neutral Citation : Yes/No

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