



W.P.No.15014 of 2020

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED: 12.09.2024

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.15014 of 2020

1.T.Rajendran
2.S.Thanikachalam
3.M.Ravi
4.T.Elango
5.M.Sathish

.. Petitioners

Vs

1.The Commissioner,
Greater Chennai Corporation,
Chennai – 3.

2.The Superintending Engineer,
(Storm Water Drain),
Greater Chennai Corporation,
Chennai – 3.

3.The Zonal Officer (cum)
Assistant Executive Engineer,
Zone-VII (Ambattur),
Chennai – 53.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India seeking for issuance of a writ of mandamus to forbear the respondents from carrying out any construction or other activities in the vacant land of the petitioners in T.S.No.71/2 (old survey No.122/1)



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situated in Thathankuppam Village, Hamlet of Korattur Village, Ambattur Taluk, Thiruvallur District, without following due process law and direct the respondents to remove all the structural developments and other materials including sand debris from the petitioners' land.

For Petitioners : Mr.S.Prabakaran

for Mr.Ravikumar Paul

For Respondents : Mr.E.C.Ramesh, Standing Counsel

ORDER

The writ petition has been filed seeking to forbear the respondents from carrying out any construction or other activities in the vacant land of the petitioners in T.S.No.71/2 (old survey No.122/1) situated in Thathankuppam Village, Hamlet of Korattur Village, Ambattur Taluk, Thiruvallur District, without following due process law, and direct the respondents to remove all the structural developments and other materials including sand debris from the petitioners' land.

2. The petitioners claim that they have been in possession of the above said property for several years. While being so, the Inspector of Police, V4 Rajamangalam Police station, Kolathur, attempted to trespass into their land and thereby put up a sign board stating that the said land is



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allotted to the police department by the District Collector, Thiruvallur District. Therefore, the petitioners have submitted a representation.

3. On perusal of the counter affidavit filed by the second respondent and on the submission of the learned standing counsel for the Greater Chennai Corporation, it is revealed that as per the revenue records, the land in question is classified as Grama Natham. In the decree obtained by the petitioner, the local body was not a party. That apart, patta issued in favour of the petitioner's father was also cancelled by the Tahsildar vide proceedings dated 29.09.2020. In the said property, there is a drinking water well, from which, water is being drawn to all general public. The land in question is also recently allotted for construction of jurisdictional police station. However, against such allotment, general public living in that locality agitated and thereby filed a writ petition in W.P.No.3983 of 2018 for a direction to the respondents to remove the encroachment put up by the Inspector of Police, Rajamangalam Police Station, Kolathur, Chennai. The Hon'ble Division Bench of this Court, vide its order dated 30.01.2019, dismissed the said writ petition. Relevant portion of the said order is extracted hereunder:-



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“4.The respondents 3, 5 & 8 filed a counter stating that the Government of Tamil Nadu had passed an order in G.O.Ms.No.86 dated 25.01.2017 and had sanctioned lands to construct Police Stations at various places which come under Chennai City Police West Zone. In continuation of the same, the 8th respondent had handed over the said land to the Tamil Nadu Police Housing Corporation Limited on 25.07.2017 to construct Rajamangalam Police Station. Further, the respondents have stated that as per the Revenue Records, the said land come under Gramanatham classification and not a Tank. Further, the land was transferred for the benefit of the general public.

5.The 7th respondent in his counter has stated that there is a Well and Water Tank in S.No.122/1. However, the same was not transferred to the Police Department for construction of Police Station. Further, the 7th respondent has stated that the Well and Water Tank are under the maintenance of the Chennai Corporation.”



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4. That apart, Adangal, FMB sketch and photograph of the site would show that the land in question is classified as Grama Natham and it is being maintained by the local body. Therefore, the prayer sought for in the writ petition cannot be considered and accordingly, the writ petition is dismissed as devoid of any merit. No Costs. W.M.P.No.18698 of 2020 is closed.

12.09.2024

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To

- 1.The Commissioner,
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Chennai – 3.
- 2.The Superintending Engineer,
(Storm Water Drain),
Greater Chennai Corporation,
Chennai – 3.
- 3.The Zonal Officer (cum)
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