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W.P.Nos.24381, 24382,
20008 & 20009 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.24381, 24382, 20008 & 20009 of 2018

and

W.M.P.Nos.23427, 23428 & 28392 of 2018

W.P.Nos.24381 & 24382 of 2018

R.Anjugam

... Petitioner in both W.Ps

Vs.

1. The Chennai Petroleum Corporation Limited,
Represented by its Managing Director,
No.536, Anna Salai, Teyanmpet,
Chennai – 600 018.
2. The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
Revenue Department,
Secretariat, Fort St. George,
Chennai – 600 009.
3. The Tamil Nadu Slum Clearance Board,
Represented by its Chairman,
5, Kamaraj Salai,
Chennai – 600 005.
4. NRP Projects Private Limited,
Represented by its Managing Director,
Deshbandhu Plaza,



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No.47, Whites Road,
Royapettah, Chennai – 600 014.

5. CRAB Tech Ltd.,
Represented by its Managing Director,
No.896 A, Thiruvallur Salai,
Brindhavan Avenue,
Kayarambedu, Guduvancherry – 603 203.

6. The Highways and Minor Ports Department,
Represented by its Secretary to Government,
Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai – 600 009.

... Respondents in both W.Ps

Prayer in W.P.No.24381 of 2018: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing respondents, their men, staff, agents or representatives from in anyway interfering with the petitioner's possession of the property comprised in Survey No. 618/ G2&G3, Thiruvottiyur Village, Thiruvottiyur Taluk, Chennai District, 600019 except in accordance with law.

Prayer in W.P.No.24382 of 2018: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to forthwith remove all construction put up by them in the petitioner's property comprised in Survey No. 618/ G2&G3, Thiruvottiyur Village, Thiruvottiyur Taluk, Chennai District, 600019 and restore the property to its original state.



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For Petitioners	: Mr.S.M.Nandhie Devhan, change of vakalat given at 31.01.2024 (in both WPs)
For R1	: Mr.R.Senthil Kumar (in both WPs)
For R2 to R6	: Mr.V.Veluchamy, Additional Government Pleader (in both WPs)
For R3	: Mrs.K.Indhumathy Venkatesh, SC for TNUHDB (in both WPs)
For R4 & R5	: Not ready in notice (in both WPs)

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R.Anjugam

... Petitioner in both W.Ps.

Vs.

1. The State of Tamil Nadu,
represented by its Principal Secretary to Government,
Revenue Department,
Secretariat, Fort St. George,
Chennai – 600 009.
2. The Slum Clearance Board,
Government of Tamil Nadu,
Represented by its Chairman,
5, Kamaraj Salai,
Chennai – 600 005.
3. The Corporation of Chennai,
Represented by its Commissioner,
Rippon Buildings,



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Chennai – 600 001.

4. The District Revenue Officer,
Archives Department,
50-51, Gandhi Irwin Road,
Egmore, Chennai – 600 008.

5. The Tahsildar,
Thiruvottiyur Taluk,
Thiruvottiyur,
Chennai – 600 019.

6. The Principal Secretary to Government and
Commissioner of Land Administration,
Chepauk, Chennai – 600 005.

... Respondents in both W.Ps

Prayer in W.P.No.20008 of 2018: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent pertaining to G.O.Ms.381 dated 29.06.2005 and quash the same in so far as it pertains to the petitioner's property comprised in Survey No. 618/ G2 and G3 located in Block 8, Ward D, T.S. No. 3, Thiruvottiyur Village, Thiruvottiyur Taluk, Chennai District, 600019 and consequently forbear the respondents from interfering with the petitioner's possession and enjoyment of the petitioner's property located Survey No. 618/ G2 and G3 located in Block 8, Ward D, T.S. No. 3, Thiruvottiyur Village, Thiruvottiyur Taluk, Chennai District, 600 019.

Prayer in W.P.No.20009 of 2018: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 4th and 5th respondent to consider the petitioner's Application dated



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22.06.2017 and delete the entry "Kazhu Veli" from the Town Survey Register against Survey No. 618 G2 and G3 located in Block 8, Ward D, T.S.No. 3, and to grant patta in the name of the petitioner for the lands comprised in Survey No. 618/ G2 and G3 located in Block 8, Ward D, T.S.No. 3, Thiruvottiyur Village, Thiruvottiyur Taluk, Chennai District, 600 019.

For Petitioners	: Mr.S.M.Nandhie Devhan, change of vakalat given at 31.01.2024 (in both WPs)
For R1, R4 to R6	: Mr.V.Veluchamy, Additional Government Pleader (in both WPs)
For R2	: Mrs.K.Indhumathy Venkatesh, SC for TNUHDB (in both W.Ps)
For R4 & R5	: Not ready in notice (in both WPs)

COMMON ORDER

The writ petition in W.P.No.24381 of 2018 has been instituted to forbearing respondents, their men, staff, agents or representatives from in anyway interfering with the petitioner's possession of the property comprised in Survey No. 618/ G2&G3, Thiruvottiyur Village, Thiruvottiyur Taluk, Chennai District, 600019 except in accordance with law.



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2. The writ petition in W.P.No.24382 of 2018 has been instituted to direct the respondents to forthwith remove all construction put up by them in the petitioner's property comprised in Survey No. 618/ G2&G3, Thiruvottiyur Village, Thiruvottiyur Taluk, Chennai District, 600019 and restore the property to its original state.

3. The writ petition in W.P.No.20008 of 2018 has been instituted to call for the records of the 1st respondent pertaining to G.O.Ms.381 dated 29.06.2005 and quash the same in so far as it pertains to the petitioner's property comprised in Survey No. 618/ G2 and G3 located in Block 8, Ward D, T.S. No. 3, Thiruvottiyur Village, Thiruvottiyur Taluk, Chennai District, 600019 and consequently forbear the respondents from interfering with the petitioner's possession and enjoyment of the petitioner's property located Survey No. 618/ G2 and G3 located in Block 8, Ward D, T.S. No. 3, Thiruvottiyur Village, Thiruvottiyur Taluk, Chennai District, 600 019.

4. The writ petition in W.P.No.20008 of 2018 has been instituted to direct the 4th and 5th respondent to consider the petitioner's Application dated 22.06.2017 and delete the entry “Kazhu Veli” from the Town Survey



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Register against Survey No. 618 G2 and G3 located in Block 8, Ward D, T.S.No. 3, and to grant patta in the name of the petitioner for the lands comprised in Survey No. 618/ G2 and G3 located in Block 8, Ward D, T.S.No. 3, Thiruvottiyur Village, Thiruvottiyur Taluk, Chennai District, 600 019.

5. The learned Standing Counsel appearing on behalf of the Tamil Nadu Slum Clearance Board now renamed as Tamil Nadu Urban Habitat Development Board made a submission that in respect of the said survey No.618/G2 and G3, the Slum Clearance Board implemented Kargil Scheme and thereby constructed 1200 flats. The flats constructed were allotted to the homeless people based on their eligibility. Now the petitioner claims ownership in respect of the said property.

6. Title dispute cannot be decided in writ proceedings by the High Court. If at all the petitioner claims any property right in respect of the said survey number, he has to approach the Competent Civil Court of Law for the purpose of establishing her title, ownership or civil rights.



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7. With this liberty, these Writ Petitions stand disposed of. No costs.

Consequently, connected Miscellaneous Petitions are closed.

31.01.2024

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Index : Yes

Neutral Citation : Yes

Speaking order / Non-speaking order

To

1. The Managing Director,
The Chennai Petroleum Corporation Limited,
No.536, Anna Salai, Teyanmpet,
Chennai – 600 018.
2. The Principal Secretary to Government,
The State of Tamil Nadu,
Revenue Department,
Secretariat, Fort St. George,
Chennai – 600 009.
3. The Chairman,
The Tamil Nadu Slum Clearance Board,
5, Kamaraj Salai,
Chennai – 600 005.
4. NRP Projects Private Limited,
Represented by its Managing Director,
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5. CRAB Tech Ltd.,
Represented by its Managing Director,
No.896 A, Thiruvallur Salai,
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6. The Highways and Minor Ports Department,
Represented by its Secretary to Government,
Government of Tamil Nadu,
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7. The Chairman,
The Slum Clearance Board,
Government of Tamil Nadu,
5, Kamaraj Salai,
Chennai – 600 005.
8. The Commissioner,
The Corporation of Chennai,
Rippon Buildings,
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9. The District Revenue Officer,
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S.M.SUBRAMANIAM, J.

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