



WEB COPY

W.P. No.16838 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

W.P. No.16838 of 2024

and

W.M.P.No.18522 of 2024

in

W.P.No.16838 of 2024

T.Natarajan
S/o.Late Thammu Naidu

.. Petitioner

Vs.

1. The District Collector
Tiruvallur
Tiruvallur District.
2. The Tahsildar
Uthukottai Taluk
Thiruvallur District.
3. The Block Development Officer
Poondi Block
Uthukottai Taluk
Thiruvallur District.
4. C.Umapathy
S/o.Chokkappa Chetty
5. N.Purushothaman
S/o.Natarajan

.. Respondents



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Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus, to quash the impugned order dated 14.06.2024 in Na.Ka.No.332/2024/B2 issued by the 3rd respondent and consequently, direct the respondents 1 to 3 from demolishing the building situated Survey No.293/5 in Joint Patta No.334 and Survey No.293/10, Velakapuram Village, Uthukottai Taluk, Tiruvallur District.

For Petitioner : Ms.N.Gayathri
For Respondents : Mr.A.Selvendran
Special Government Pleader
for R1 and R2
Ms.P.Rajarajeswari
Government Advocate for R3

ORDER

(Order of the Court was made by **M.Sundar, J.**)

Captioned 'Writ Petition' {hereinafter 'WP' for the sake of brevity} has been filed with Certiorarified mandamus prayer assailing a communication dated 14.06.2024 bearing reference Na.Ka.No.332/2024/A2 from R2 (Tahsildar, Uthukottai Taluk, Tiruvallur District) and mandamus limb of prayer is to restrain R1 to R3 from demolishing building situate in S.No.293/5 which is said to be land covered by joint patta being Joint Patta No.334 as regards S.Nos.293/5 and 293/10 both in Velagapuram Village, Uthukottai Taluk, Thiruvallur



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2. In this order, 'Survey No.293/5' shall hereinafter be referred to as 'I parcel of land' and 'Survey No.293/10' shall hereinafter be referred to as 'II parcel of land' both for the sake of convenience and clarity.

3. Issue notice to official respondents i.e., R1 to R3.

4. Mr.A.Selvendran, learned Special Government Pleader accepts notice for R1, R2 and Ms.P.Rajarajeswari, learned Government Advocate accepts notice for R3.

5. Owing to the limited scope of captioned WP, with the consent of both sides, captioned main WP is taken up.

6. This Court is acutely conscious that captioned WP is now being disposed of without R4 and R5 (private respondents) before us. We shall be adverting to this and reason for adopting such a procedure infra.

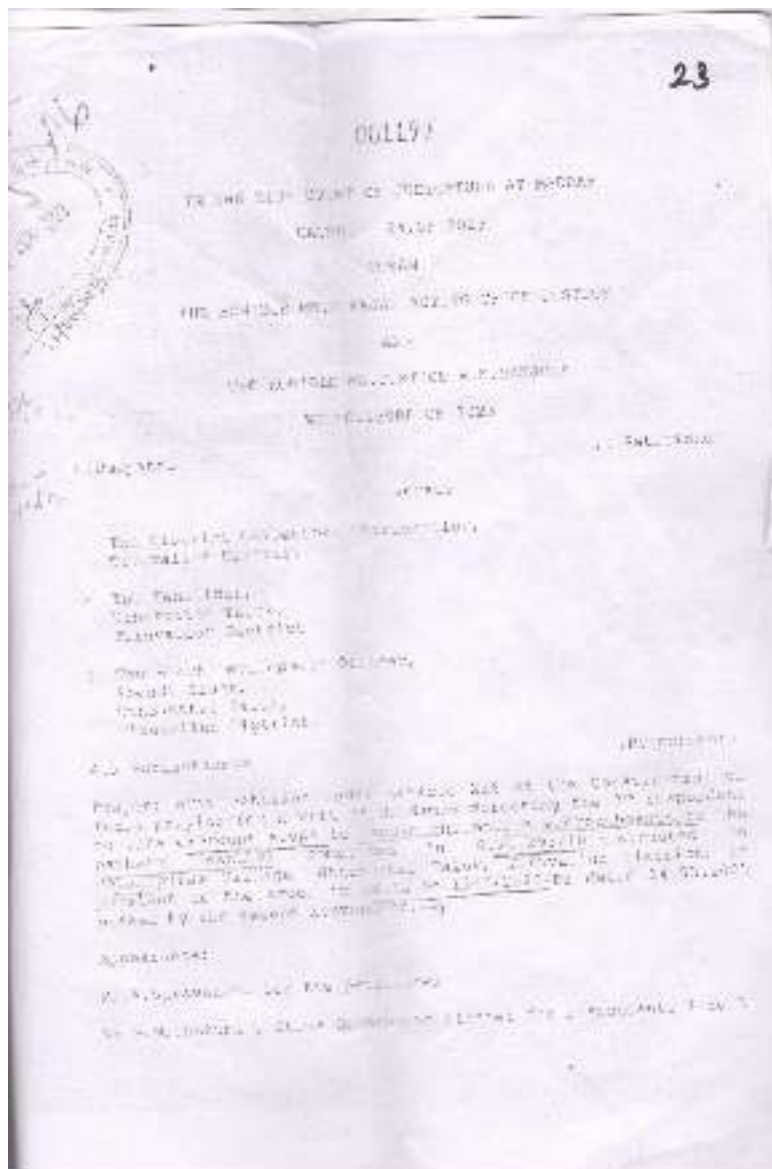
7. After hearing both sides, the following position comes to light:

(i) As regards II parcel of land i.e., S.No.293/10, R4 before us (C.Umapathy, S/o.Chokkappa Chetty) filed an earlier writ petition in W.P.No.13088 of 2023 with a mandamus prayer qua jurisdictional Block Development



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Officer to take steps for removing encroachment. This W.P.No.13088 of 2023 came to be disposed of by another Hon'ble Division Bench in and by an order dated 24.05.2023 which reads as follows:





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To be noted, writ petitioner is not a party in the earlier writ petition;

(ii) Impugned communication has not been issued by R3 (the Block Development Officer, Poondi Block, Uthukottai Taluk, Tiruvallur District) as mentioned in the



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prayer but it has been issued by R2 i.e., Tahsildar, Uthukottai Taluk, Thiruvallur District. Impugned communication has been addressed to R5 (N.Purushothaman, S/o.Natarajan) and copies have been marked to District Development Officer, Poondi, Circle Deputy Inspector, Uthukottai, Panchayat President, Velgapuram Panchayat and Commissioner of Revenue, Tiruvallur District. This means that impugned communication has not even been addressed to writ petitioner;

(iii) As already alluded to supra, earlier writ petition (W.P.No.13088 of 2023) pertains to II parcel of land (S.No.293/10) and more importantly, it does not pertain to I parcel of land (S.No.293/5);

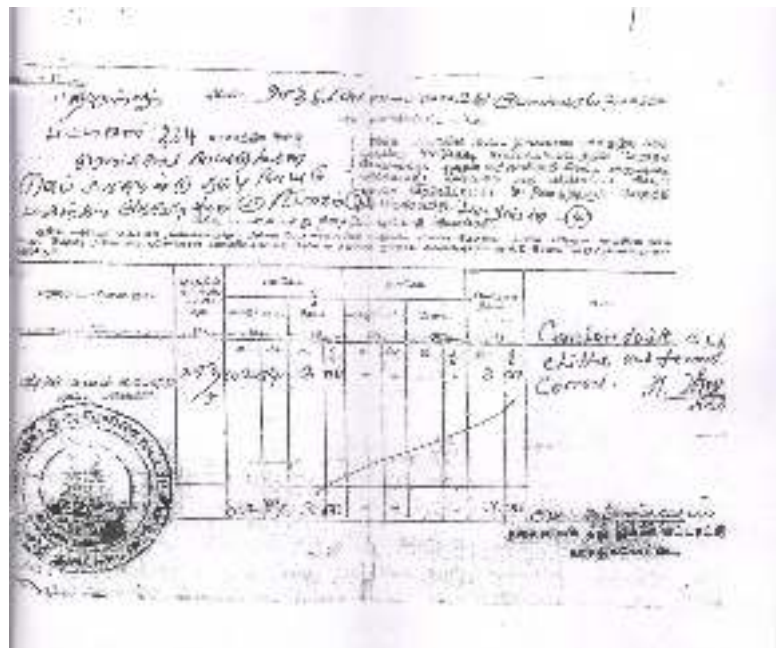
(iv) Impugned communication pertains only to II parcel of land i.e., S.No.293/10 which is the subject matter of earlier writ petition;



(v) The case of the writ petitioner is predicated on

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the point that there is joint patta (patta No.334) for I and II parcels of lands. This joint patta No.334 as placed before us by writ petitioner in the typed set is as follows:



A careful perusal of aforementioned joint patta makes it clear that it is no doubt a joint patta but it pertains only to I parcel of land namely, S.No.293/5. It is a joint patta as regards Jayachandran (Son of Rengasamy Naidu), Devendran, Natarajan and Balaraman (Sons of Thambu Naidu). This means that writ petitioner T.Natarajan, S/o.Thambu Naidu holds joint patta along with three others only with regard to I parcel of land i.e., S.No.293/5;



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(vi) We make it clear that we have not embarked

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8. The narrative thus far makes it clear that writ petitioner has not demonstrated anything before us pertaining to writ petitioner's rights qua II parcel of land namely, S.No.293/10 which is the subject matter of earlier writ petition and order dated 24.05.2023 thereat i.e., W.P.No.13088 of 2023 pursuant to which impugned communication has been issued.

9. Therefore, captioned WP does not pass muster in the Admission Board. Consequently, captioned WP is dismissed. As a further consequence, captioned WMP is also dismissed. There shall be no order as to costs.

(M.S.J.) (K.G.T.J.)
26.06.2024

Index:Yes
Neutral Citation: Yes
Speaking

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1. The District Collector
Tiruvallur
Tiruvallur District.
2. The Tahsildar
Uthukottai Taluk
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3. The Block Development Officer
Poondi Block
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M.SUNDAR.J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,
mk

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