



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19-02-2024

CORAM

**THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM
And
THE HONOURABLE MR. JUSTICE K.RAJASEKAR**

**WP No.18568 of 2018
And
WMP No.21913 of 2018**

1.R.Sukumaran (Died)
2.S.Malliga
3.S.Deepa
4.S.Magesh
5.S.Kavitha
[P-2 to P-5 substituted as LR's of deceased
first petitioner vide order of Court dated
14.09.2023 made in WMP No.24773 of 2023
in WP No.18568 of 2018]

.. Petitioners

-VS-

1.Tamil Nadu Housing Board (TNHB),
Represented by its Managing Director,
No.493, Anna Salai,
Nandanam,
Chennai-600 035.



2. The District Collector,
Chennai District,
Collectorate,
Rajaji Salai,
Chennai-600 001.

3. Chennai Metropolitan Development Authority (CMDA),
Represented by its Member – Secretary,
No.1, Gandhi Irwin Road,
Chennai-600 008.

4. Greater Chennai Corporation,
Represented by its Commissioner,
Ripon Buildings,
Chennai-600 003.

5. The Regional Joint Commissioner/Deputy Commissioner,
Greater Chennai Corporation,
Zone Central – Anna Nagar,
No.12-B, Pulla Avenue,
Thiru-Vi-Ka Park,
Shenoy Nagar,
Chennai-600 030.

6. The Tahsildar,
Aminjikarai Taluk
Shenoy Nagar,
Near Thiru-Vi-Ka Park,
Chennai-600 030.

7. The Executive Engineer/Authorised Officer,
Sites and Services Division-II,
Tamil Nadu Housing Board (TNHB),
K.K.Nagar Division,
First Floor, Ashok Nagar Shopping Complex,
Chennai-600 083.



8.S.Raju

9.Rajendran

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 7 to remove the encroachments made by the eighth and ninth respondents in the petitioner's Plot, by demolishing the illegal/unauthorised/breached buildings with the aid and assistance of police force, if required, and to consequently direct the sixth respondent to issue patta in the name of the deceased first petitioner for CPR Plot No.5, bearing New Door N.17, Water Tank Road, MMDA Colony, Arumbakkam, Chennai-600 106.

For Petitioners : Mr.S.Gajendran

For Respondents-1 and 7: Mr.D.Veerasekaran,
Standing Counsel for TNHB.

For Respondents-2 and 6: Mr.A.Selvendran,
Special Government Pleader.

For Respondent-3 : No Appearance

For Respondents-4 and 5: Mr.G.T.Subramanian,
Standing Counsel for Central
Government.



For Respondent-8 : Mr.R.Mohan

For Respondent-9 : Mr.G.Krishnakumar

For Advocate Commissioner: Mr.K.Madhu,
Advocate Commissioner.

ORDER

[ORDER OF THE COURT WAS MADE

BY S.M.SUBRAMANIAM, J.]

The present writ petition has been instituted to direct the respondents 1 to 7 to remove the encroachments made by the eighth and ninth respondents in the petitioners' Plot, by demolishing the illegal/unauthorised/breached buildings with the aid and assistance of police force, if required, and to consequently direct the sixth respondent to issue patta in the name of the deceased first petitioner for CPR Plot No.5, bearing New Door N.17, Water Tank Road, MMDA Colony, Arumbakkam,



Chennai-600 106.

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2. With reference to the relief sought for in the present writ proceedings, Mr.K.Madhu, learned Advocate Commissioner appointed by this Court, would submit that certain portion of the property belongs to the writ petitioners have been encroached upon by the eighth respondent. The eighth respondent further encroached upon a portion of the poramboke land and put up constructions. The photographs enclosed along with the Advocate Commissioner's Report would reveal that a portion classified as 'Government Poramboke' has been encroached upon.

3. In respect of private lands between the petitioners and the eighth respondent, they are at liberty to establish their title over the property by approaching the Competent Civil Court of Law.

4. Encroachment of private property cannot be resolved through the writ proceedings. The parties have to establish their right over the property for the purpose of redressal of their grievances, if any exists.



5. As far as the Government poramboke land is concerned, it is the public property. Therefore, the Authorities Competent are bound to invoke the provisions under the Land Encroachments Act and evict the encroachers by following the procedures.

6. Thus the sixth respondent-Tahsilar, Aminjikarai Taluk is directed to conduct a re-survey in respect of the subject property and earmark the encroachments in Government poramboke lands and thereafter initiate all appropriate actions under the provisions of Land Encroachments Act to evict the encroachers, if any.

7. It is needless to state that the procedures as contemplated by issuing a notice under Section 7 and passing an order under Section 6, on receipt of the objections from the alleged encroachers, if any, are to be followed scrupulously, in order to avoid procedural irregularities. The Tahsildar-sixth respondent is directed to complete the said exercise, within a period of twelve weeks from the date of receipt of a copy of this order.



8. With the above directions, the present writ petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

(S.M.SUBRAMANIAM,J.) (K.RAJASEKAR,J.)

19-02-2024

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn



To

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Chennai-600 035.
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