



WEB COPY



W.P.No.21316 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2024

CORAM :

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.21316 of 2023
and W.M.P.No.20716 of 2023

R.Murali

...Petitioner

Vs.

1.The District Collector
Tiruvallur District
Tiruvallur.

2.The Revenue Tahsildar
Taluk Office
Poonamallee, Chennai -56.

3.The Commissioner
Thiruverkadu Municipality
Thiruverkadu, Chennai – 77.

4.Apex Civil Engineering
No.20A Reddy Street,
Virugambakkam, Chennai-92.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 3 and 4 to remove the illegal construction of rainy water drainage channel constructed on the petitioner's land vide patta No.456 situated at



W.P.No.21316 of 2023

Padavattamma Koil Street, Mel Ayanampakkam, Tiruvallur District

comprised of SF.No.748/4 to an extent of 41x10feet consequently issue direction directing the respondents to restore the possession of the said extent of land to the petitioner.

For Petitioner : Mr.C.Pugzzhenth
For respondents : Mr.P.Gurunathan, AGP for RR1 to 3.
Mr.N.Nithianandam for R4.

ORDER

This writ petition has been filed to direct the respondents 3 and 4 to remove the illegal construction of rain water drainage channel constructed on the petitioner's land vide patta No.456 situated at Padavattamma Koil Street, Mel Ayanampakkam, Tiruvallur District comprised of SF.No.748/4 to an extent of 41x10 feet consequently issue direction directing the respondents to restore the possession of the said extent of land to the petitioner.

2. The case of the petitioner is that the property was purchased by the grand father of the petitioner by name Mr.Munivelu. The said Munivelu settled the property in favour of his four sons. The father of the petitioner has got 307sq.mtr towards his share. The Special Tahsildar, Ambattur has issued Patta No.456 in SF.No.748/4 to an extent of 41x10ft.



W.P.No.21316 of 2023

According to the petitioner, the Government has been implementing construction of Storm Water drains encroaching the aforesaid land and the petitioner raised his objection and requested to execute the work after surveying and demarcating the property. On 01.06.2023, the petitioner also paid necessary fees for surveying the land and sent a representation to the 3rd respondent to take action against the illegal construction of drainage channel and also sent a reminder on 08.06.2023. The respondents have not taken any action on the representation made by the petitioner, hence, the petitioner filed the present writ petition.

3. During the course of hearing, this Court by an order dated 03.04.2024 directed the Additional Government Pleader to get instructions from the respondents as to what steps they have taken to remove the constructions put up in the land belonging to the petitioner.

4. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents 1 to 3 and the learned counsel for the 4th respondent and perused the materials available on record.



W.P.No.21316 of 2023

5. Today when the matter is taken up for hearing the learned

Additional Government Pleader filed a report of the 3rd respondent along with the proceedings of the Revenue Inspector, report of the Village Administrative Officer and proceedings of the second respondent. The learned counsel submits that the drainage construction has been put in the Gramma Natham Government Poramboke land only and not in the land of the petitioner and the question of putting up the illegal drainage construction by the third respondent does not arise.

6. On perusal of the records, it is seen from the proceedings in Na.Ka.No.3881/2023/B2 dated nil.04.2024 that the drainage channel has been constructed in SF.Nos.748/1, 444/2B and 440/3 to an extent of 00026 sq.mtr, 0.0.1.5ares and 00333sq.mtr respectively in the Gramma Natham Government Poramboke land and not in the land belonging to the petitioner. The report of the second respondent has been finalized after getting the field inspection report from the Revenue Inspector and the same was submitted through his proceeding Na.KaNo.3881/2023/A2 dated 01.09.2023 the drainage channel has been constructed in SF.Nos.748/1 to an extent of 00026 sq.mtr in Natham Poramboke land, 444/2B to an extent of 0.0.1.5 ares in Vehicle Track and 440/3 to and



W.P.No.21316 of 2023

extent of 00333sq.mtr in Road. The drainage construction is not put up in the land belonging to the petitioner in SF.No.748/4 Grama Natham to an extent of 307.Sq.ft. It is also seen from the records in the rough sketch the construction has not been put in SF.No.748/4 and there is no encroachment in the land belonging to the petitioner.

7. In view of the above, this Court finds from the report of the third respondent that there is no illegal drainage construction has been put up in the land belong to the petitioner.

8. In the result, the writ petition is dismissed. No costs.
Consequently, connected miscellaneous petition is closed.

12.04.2024

tsh

Internet : Yes

Index : Yes

Speaking order : Yes / No

To

1.The District Collector

Tiruvallur District, Tiruvallur.

2.The Revenue Tahsildar

Taluk Office, Poonamallee, Chennai -56.

3.The Commissioner

Thiruverkadu Municipality

Thiruverkadu, Chennai – 77.



WEB COPY



W.P.No.21316 of 2023

V.BHAVANI SUBBAROYAN, J.

tsh

W.P.No.21316 of 2023

12.04.2024