



WEB COPY



W.P.No.20095 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.20095 of 2024 and
WMP.No.21989 of 2024

Balavenkataiah

... Petitioner

Vs.

- 1.The District Collector,
Tiruvallur District,
Tiruvallur,
Chennai 602 001
- 2.The District Revenue Officer,
Tiruvallur District,
Tiruvallur,
Chennai 602 001
- 3.The Revenue Divisional Officer,
Tiruvallur Division,
Tiruvallur,
Chennai 602 001
- 4.The Tahsildar,
Avadi Taluk,
Pattabiram,
Chennai 600 054
- 5.The Block Development Officer,
Villivakkam Panchayat Union,
Ambattur,
Chennai 600 053
- 6.The Executive Officer,
Morai Village,
Pattabiram, Arakkambakkam,
Chennai 600 055

... Respondents



W.P.No.20095 of 2024

WEB COPY PRAYER:

Writ Petition is filed under Article 226 of Constitution of India praying to issue a writ of mandamus directing the respondents to consider the representation of the petitioner dated 14.06.2024 and pay suitable compensation for the illegal construction put up at the land situated at No.39, Survey No.109/2B and 109/4, Katheeravan Nagar, Plot No.32, Morai Village, Avadi Taluk, Thiruvallur District admeasuring 2709 sq.feet by the 5th and 6th respondent for constructing Anganwadi Centre.

For Petitioner : Mr.R.Rajamani

For Respondents

For R1 to 4 : Mr.P.Gurunathan,
Additional Government Pleader

For R5 & 6 : Mr.N.Naveenkumar,
Government Advocate

ORDER

This writ petition has been filed for direction to the respondents to consider the representation submitted by the petitioner dated 14.06.2024 seeking for suitable compensation for the illegal construction put up in the land owned by the petitioner comprised in survey Nos.109/2B and 109/4 situated at No.39, Katheeravan Nagar, Plot No.32, Morai Village, Avadi Taluk, Tiruvallur District.



W.P.No.20095 of 2024

WEB COPY

2. The property comprised in plot No.32 at Katheeravan Nagar, Morai Village, Avadi Taluk, Tiruvallur to an extent of 2700 sq.ft. was originally owned by one, Duraiswamy Naidu and he sold out the property to the petitioner's vendor i.e. C.Mohana Kumari by the registered sale deed vide document No.1797 of 1990. In turn, the petitioner had purchased the said property on 11.10.2006 by the registered sale deed vide document No.8736 of 2006. However, it is lying vacant. While being so, the fourth respondent wrongly identified the said property for the purpose of construction of Anganwadi Centre. Now the construction is under progress. Therefore, the petitioner submitted representation before the first respondent and it is pending.

3. While pending the writ petition, the fourth respondent filed report dated 30.07.2024 and it revealed that in the said plot, even before 40 years, Anganwadi Centre and the Primary School were constructed and run by Adidravidar Welfare Department. However, it was demolished and intended to put up new construction for Anganwadi Centre. On joint inspection conducted by the Surveyor, Morai, Revenue Inspector, Morai and Village Administrative Officer, found that an extent



W.P.No.20095 of 2024

WEB COPY

of 92 sq. mtrs of the petitioner's land in plot No.32 comprised in survey No.109/29 has been encroached by compound wall of the school and a portion of the school building being constructed adjacent to the compound wall and to an extent of 25 sq.mtrs of land in plot No.31 comprised in survey no.109/5 has been encroached. However, the petitioner also agreed to receive compensation for the portion which was already encroached for construction of Anganwadi Centre.

4. Therefore, the third respondent is directed to conduct enquiry after issuance of notice to the petitioner and Adidravidar Department and after giving opportunity of hearing to the petitioner and respondents 5 & 6, and to fix adequate compensation for the land which is now encroached by the Adidravidar Welfare Department for construction of Anganwadi Centre in the petitioner's land and to pass orders on merits and in accordance with law within a period of six weeks from the date of receipt of copy of this order. Further, till the disposal of the representation, the Adidravidar Welfare Department is directed not to proceed with the construction in the petitioner's property.



W.P.No.20095 of 2024

WEB COPY

5. With the above directions, this writ petition is disposed of.

Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

05.09.2024

Neutral citation: Yes/No

Index: Yes/No

Speaking/Non-speaking order

lok

G.K.ILANTHIRAIYAN, J.

lok

To

1. The District Collector,
Tiruvallur District,
Tiruvallur,

5/6



W.P.No.20095 of 2024

- Chennai 602 001
- 2.The District Revenue Officer,
Tiruvallur District,
Tiruvallur,
Chennai 602 001
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W.P.No.20095 of 2024

05.09.2024