



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.20791 of 2017

and

W.M.P.No.20842 of 2018

J.Rajendra Prasad

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Secretary,
Revenue Department,
Fort St. George, Chennai – 600 009.
- 2.The Additional Secretary / Commissioner,
Land Administration, Chepauk,
Chennai – 600 005.
- 3.The Member Secretary,
Chennai Metropolitan Development Authority,
“Thalamuthu Natarajan Maaligai”
Gandhi Irwin Road, Egmore,
Chennai – 600 008.
- 4.The District Collector,
Thiruvallur District,
Thiruvallur – 602 001.



5.The District Revenue Officer,
Thiruvallur District,
Thiruvallur – 602 001.

6.The Revenue Divisional Officer,
Ambattur,
Chennai – 600 053.

7.The Tahsildar,
Maduravoyal Taluk,
Chennai – 600 095.

8.The Thiruverkadu Municipality,
Rep. by its Commissioner,
Thiruverkadu, Chennai – 600 077.

9.M.Ramachandran

10.Vijaya Anandh

11.M.Udayakumar

12.Mrs.Gopi @ Bhuvaneswari

13.M/s.Naru Exports India Ltd.,
Rep. by its Managing Director,
No.56, Kuppu Muthu Street,
Triplicane, Chennai – 600 005.

14.K.Revathi

15.Central Government Employees' Welfare Housing Society,
Kendriya Vihar,
Rep. by its President,
Velappanchavadi.

16.Mr.Chinnathambi



17.Mr.K.K.Kutti

18.Mr.Dhinesh Kumar

19.Mr.Nithyanandham

20.Mr.Sridhar

21.G.Sathyanarayana

... Respondents

[R21 impleaded vide order dated 29.08.2019 made in WMP.No.21865/2019 in WP.No.20791/2017]

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 8 to remove the encroachments in the Cart Track comprised in S.Nos.76/4, 77/9, 78/4, 79/5, Noombal Village, erstwhile Ambattur Taluk, presently Maduravoyal Taluk, Thiruvallur District and to direct the respondents 1 to 8 to maintain the Cart Track as a Public Road as per the Revenue Records without any encroachments in future.

For Petitioner : Mr.N.R.Anantha Rama Krishnan

For R1, R2, R4 to R7 : Mr.A.Selvendran
Special Government Pleader

For R3 : Mrs.P.Veena Suresh
Standing Counsel [For CMDA]

For R8 : Mr.R.Mohan Dass

For R12 & R14 : Mr.C.Prakasam



WEB COPY

W.P.No.20791 of



For R15	: Mrs.V.Srimathi
For R21	: Mr.Rahul Balaji
For R9	: Died – Steps due
For R10, R11, R16 & R19	: No Appearance
For R13, R17, R18 & R20	: Not Ready in Notice
	: Mr.S.L.Maurric Meshaak Advocate Commissioner

ORDER

[Order of the Court was made by **S.M.SUBRAMANIAM, J.**]

The present writ of mandamus is to direct the respondents 1 to 8 to remove the encroachments in the Cart Track comprised in S.Nos.76/4, 77/9, 78/4, 79/5, Noombal Village, erstwhile Ambattur Taluk, presently Maduravoyal Taluk, Thiruvallur District and to direct the respondents 1 to 8 to maintain the Cart Track as a Public Road as per the Revenue Records without any encroachments in future.



2. Regarding the claim of the present writ petitioner, the Cart Track is encroached upon by the individuals. The respondents / Revenue Authorities filed a counter affidavit stating that the survey numbers mentioned in the writ petition have been classified as follows in the “A” register:

“4. It is submitted that the above survey numbers have been classified as follows in the A Register:

Survey No.	Extent	Classification	Patta No. and Name of the Pattahars	Remarks
76/4A1	0.08.5	Punjai	3587 S.Gopi @ Bhuvaneshwari W/o Subramaniyam	-
76/4A2	1.01.0	Punjai	3737 K.Revathi	-
76/4A3	0.04.5	Punjai	3587 S.Gopi @ Bhuvaneshwari W/o Subramaniyam	-
76/4A4	0.03.5	Punjai	433 Ramachandiran (1) Ramamoorthy (2) Udayamoorthy (3)	-
76/4B	0.00.5	Poramboke	National Highways	-
77/9	0.09.0	Manavari	393. Rai Chowdhri Krishnaveni	-
78/4	0.12.5	Punjai	374. Munusamy Naicker Ramamoorthy	பூஸ்திரோடு
78/4B	0.05.0	Punjai	2200A. Jeenaseanan	பூஸ்திரோடு
78/4C	0.04.5	Punjai	394. Munusamy Naicker Ramamoorthy	பூஸ்திரோடு
79/5	0.10.5	Punjai	435. Vijayakumar (1) Viruthambal (2) Dhanammal (3)	-



WEB COPY

3. The Village Account A-Register reveals that above Survey Nos.76/4A1, 76/4A2, 76/4A3, 76/4A4, 77/9, 79/5 are patta lands. In Survey Nos.78/4A, 78/4B, 78/4C are also patta lands classified as “Punjai” and the remarks only shown the “பூஸ்திரோடு”. Erstwhile “பூஸ்திரோடு” is only used for agricultural purpose to move one agricultural land to another. As per the Revenue Record A-Register, there is no Cart Track is mentioned anywhere.

4. In FMB map, the pathway is mentioned as a detail through the Survey Nos.76/4A1, 76/4A2, 76/4A3, 76/4A4, 77/9, 79/5, 78/4A, 78/4B, 78/4C, but no revenue record A-Register does not indicate that pathway lies on Survey Nos.76/4A1, 76/4A2, 76/4A3, 76/4A4, 77/9, 79/5. In Survey Numbers 78/4B, 78/4C the pathway is mentioned as a detail in FMB and it may indicate that “பூஸ்திரோடு” in A-Register.

5. The 7th respondent arranged a survey of lands on 17.02.2023 in the presence of Deputy Tahsildar, Vanagaram with the help of the Village Administration Officer, Noombal and Vanagaram, Revenue Inspector. During the field inspection it is known that the said survey numbers are now in the enjoyment of the following details are as follows:



Survey No.	Extent	Patta No. and Name of the Pattahars	Enjoyment in Current State
76/4A1	0.08.5	3587 S.Gopi @ Buvaneshwari W/o Subramaniam	Battery Shop Extent 42 Sq.m Kavitha Ware House Extent 295 Sq.m
76/4A3	0.04.5	3587 S.Gopi @ Buvaneshwari W/o Subramaniam	Sheet House Extent 30S.m M.N.S.Printers Extent 222 Sq.m
76/4A2	1.01.0	6503 K.Praveenkumar	Building Extent 48 Sq.m Vacant land Extent 42 Sq.m
76/4A4	0.03.5	7055 K.Prabhu (1) K.Dhiwahar (2) K.Dhilipkumar (3)	Yeka Herbal Cosmetic Company Extent 118 Sq.m
76/4B	0.00.5	Poramboke	----
77/9	0.09.0	393 Ramamoorthy (1) Ramachandiran (2) Udayakumar (3) Central Government Employees (4)	Kendhriyavihar residential area compound wall
78/4A	0.12.5	394 Ramamoorthy (1) Ramachandiran (2)	Kendhriyavihar residential area Pump house, E.B. Transform
78/4C	0.04.5	Udayakumar (3) Central Government Employees (4)	Extent 42 Sq.m
78/4B	0.05.0	5949 B.Prakashchand (1) B.Manojkumar (2)	Win printers compound wall extent 366 Sq.m
79/5	0.10.5	435 Ramamoorthy (1) Ramachandiran (2) Udayakumar (3)	Vacant land

The respondents 17 to 20 are tenant of the above said property they were not the land owners of the said properties.

6. Learned Advocate Commissioner appointed by this Court also submitted a report by stating that the Cart Track as stated is not in existence or usage. Patta had already been granted to the individuals. Though the



earlier Advocate Commissioner referred Cart Track based on the revenue records made available, the Cart Track as stated is not in existence in the Survey number referred in the writ proceedings.

7. If the encroachments are unidentifiable, then the High Court in exercise of powers of judicial review cannot issue any direction with reference to patta lands. Only if the encroachers are identified with reference to the revenue records and the evidences available, then alone the writ of mandamus would lie to remove the encroachers by following the procedures as contemplated under the relevant Statutes and Rules in force.

8. The learned counsel for the petitioner would contend that there was a Cart Track even as per the revenue records and the petitioner is possessing records to establish that the Cart Track is in existence.

9. However, Mr.A.Selvendran, learned Special Government Pleader appearing on behalf of the respondents 1 and 2 would oppose the contentions made by the petitioner by stating that the Revenue Authorities verified the records and found that the subject properties referred in the present writ



proceedings are patta lands and there are no encroachments.

WEB COPY

10. In view of the disputed facts regarding the identification of the encroachment in a property, direction as such sought for cannot be granted and consequently, this Writ Petition fails and stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

[S.M.S., J.] [K.R.S., J.]
13.03.2024
(1/2)

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes

To

- 1.The Secretary,
The State of Tamil Nadu,
Revenue Department,
Fort St. George,
Chennai – 600 009.
- 2.The Additional Secretary / Commissioner,
Land Administration,
Chepauk,
Chennai – 600 005.
- 3.The Member Secretary,
Chennai Metropolitan Development Authority,
“Thalamuthu Natarajan Maaligai”



W.P.No.20791 of

Gandhi Irwin Road,
Egmore,
Chennai – 600 008.

WEB COPY

- 4.The District Collector,
Thiruvallur District,
Thiruvallur – 602 001.
- 5.The District Revenue Officer,
Thiruvallur District,
Thiruvallur – 602 001.
- 6.The Revenue Divisional Officer,
Ambattur,
Chennai – 600 053.
- 7.The Tahsildar,
Maduravoyal Taluk,
Chennai – 600 095.
- 8.The Commissioner,
The Thiruverkadu Municipality,
Thiruverkadu, Chennai – 600 077.



W.P.No.20791 of

S.M.SUBRAMANIAM, J.
and
K.RAJASEKAR, J.

Jeni

W.P.No.20791 of 2017

13.03.2024
(1/2)