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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18-03-2024

CORAM

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

**WP No.26960 of 2022
And
WMP No.26171 of 2022**

Vijayalakshmipuram Thittapaguthi
Kudiyurppu Manai Yrimalyalagal Sangam,
Reg.No.163/2017, Represented by its Secretary,
R.Rajasekar, S/o.Raja Prabal,
No.31/1, M.C.Raja Street,
Vijayalakshmipuram,
Ambattur,
Chennai-600 053.

.. Petitioner

-VS-

1.The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai-600 003.



2.The Deputy Commissioner,
Corporation of Chennai,
Division No.VII,
Ambattur,
Chennai-600 053.

3.The Revenue Divisional Officer,
Ambattur Division,
Anna Nagar,
Chennai-600 101.

4.The Inspector of Police,
T-1, Ambattur Police Station,
Ambattur,
Chennai-600 053.

5.Sundari

.. 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 4 to remove the encroachment made by the fifth respondent situated in S.Nos.168/3E1, 168/3F1, M.C.Raja Street, Vijayalakshmipuram, Ambattur, Chennai-600 053.

For Petitioner : Mr.C.Prakasam

For Respondents-1 and 2 : Mr.D.B.R.Prabhu,
Standing Counsel for Greater
Chennai Corporation.



For Respondents-3 and 4:

Mr.A.Selvendran,
Special Government Pleader.

For Respondent-5

:

Mr.K.Manikandan

ORDER

[ORDER OF THE COURT WAS MADE

BY S.M.SUBRAMANIAM, J.]

The Writ of Mandamus has been instituted to direct respondents 1 to 4 to remove the encroachment made by the fifth respondent situated in S.Nos.168/3E1, 168/3F1, M.C.Raja Street, Vijayalakshmipuram, Ambattur, Chennai-600 053.

2. The contention of the petitioner is that larger extent of Government poramboke lands are under encroachments, more specifically, public streets. By encroaching upon public streets, unauthorised buildings are constructed and thereby depriving the people of that locality to have free access to the road. The petitioner would further submit that a Sale Deed was registered in violation of revenue records, which was existing and based on such Sale Deed, patta was granted erroneously. Subsequently, the



Authorities came to know that patta was granted in respect of Government poramboke lands and action was taken to cancel the patta. Several such persons have encroached upon public lands and streets.

3. The learned counsel for the petitioner would submit that private respondents in writ petitions are also encroachers, encroached upon Government poramboke lands and constructed buildings.

4. The counter filed by the Revenue Divisional Officer, Central Chennai Division, reveals that encroachments are identified and the relevant paragraphs 11, 13 and 15 in the counter are extracted as under:-

“11. It is respectfully submitted that the subject land involved in the said writ petition along with certain other lands originally measuring 6.47 acres of land in S.No.168/3, stood classified as 'Anadheenam' and classified as 'Circar Punjai' in the 'A' Register maintained by the Revenue Department and registered in the name of one by name Narasimhan. The subject land was assigned Old 168/3E part and 168/3F part of Oragadam Village and was meant for M.C.Raja Road. Though the petitioner herein claims that the said land was settled in her favour by the Settlement Officer, it cannot be accepted in the absence of the said order of settlement. Besides this, the



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second respondent herein had observed that the said land in S.No.168/3 was measuring 331 q.meters and that patta was issued only based on the document produced by the petitioner herein. Hence, the second respondent in her proceedings issued in A5/4568/2022 dated 07.12.2022 had ordered to cancel the patta issued to the petitioner herein.

13. It is respectfully submitted that in pursuance of the said order, the said land was inspected by the second respondent herein. The petitioner herein claims to have purchased a total extent of 8579 sq.feet of land by virtue of the following documents:-

Document Number	Survey Number	Extent	Excecutant	Claimant
4431/1996 dated 22.11.1996 Sale Deed	168/3E2	3150 s.ft.	V.Hemavathi	V.Sundari
4442/1999 dated 24.09.1999	168/3E2B	1866 s.ft.	K.Muthu (Prl) Mariammal (Pfl) Indra (PrI) Padmavathy (POA)	V.Sundari
9201/2018 dated 24.04.2018 power document	168/3E2 Part 168/3F1 Part	2353 s.ft. 1210 s.ft.	Anantha Krishnan	Veerapandian
10615/2018 dated 31.07.2018 Sale Deed	168/3E2 Part 168/3F1 Part	2353 s.ft. 1210 s.ft.	Anantha Krishnan (Prl) Veerapandian (POA)	V.Sundari
Total Extent		8579 s.ft.		

15. It is respectfully submitted that during inspection, it was found that the petitioner is still encroaching



upon an extent of 220.30 sq.meters (equivalent to 237 sq.feet) (Orange colour in sketch) of land lying on the Western side of T.S.No.127/2 leaving an extent of 110.70 sq.meters (equivalent to 1192 sq.feet) (Yellow colour in sketch) lying on the Eastern side of T.S.No.127/2. The Greater Chennai Corporation officials have laid a concrete road in the Eastern portion measuring 110.70 sq.meters in T.S.No.127/2 part of Block No.43 Ward 'A' of Oragadam Village as more particularly described in the sketch submitted herewith.”

5. It is needless to state that Revenue Authorities are duty bound to protect Government lands, roads, water course poramboke etc., within their jurisdiction. Any collusion or inaction, are to be construed as lapses, negligence and dereliction of duty, warranting departmental disciplinary proceedings against all such erred officials.

6. On account of sky-rocketing of market value of lands in the outskirts of Chennai City, greedy men are tempted to grab public lands for unjust and personal gains. The Authorities are expected to be doubly



cautious and initiate action to remove all such encroachments then and there to avoid further complications.

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7. If any collusion, corrupt activities in the matter of encroachments or unauthorised constructions are established, then District Collectors are duty bound to initiate action against Jurisdictional Field Level Revenue Officials under the Discipline and Appeal Rules. Unless such actions are initiated, it would be difficult for the Government to protect the Government lands, water course porambores and to maintain public roads for the benefit of public at large.

8. Recently, people are witnessing large scale encroachments, creation of fraudulent documents, double documents and encroaching public properties etc. The District Collector, in this regard, are expected to be more vigilant in dealing with such encroachments, violations and inaction of the Subordinate Authorities of various Departments.

9. In the present case, the writ petitioner made an allegation that private respondents are encroachers. But private respondents, per contra,



made a submission that the writ petitioner is also an encroacher.

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10. Mr.A.Selvendran, learned Special Government Pleader, appearing on behalf of the respondents 3 and 4, would submit that Revenue Authorities identified large scale encroachments in that locality on account of industrial developments in Oragadam, Ambattur Taluk, Chennai City.

11. In view of the fact that encroachments have already been identified, the respondents 1 to 4 are directed to conduct survey in respect of Government poramboke lands, streets, watercourse porambokes etc., and thereafter issue notice to all encroachers, including writ petitioner and private respondents and on receipt of objections, if any, from the encroachers, look into the documents, revenue records etc., and identified encroachments thereafter, are directed to be removed without any further loss of time. The entire exercise is directed to be completed, within a period of twelve weeks from the date of receipt of a copy of this order.

12. Accordingly, the present writ petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected



miscellaneous petition is closed.

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

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

To

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Chennai-600 003.
- 2.The Deputy Commissioner,
Corporation of Chennai,
Division No.VII,
Ambattur,
Chennai-600 053.

S.M.SUBRAMANIAM, J.
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- 3.The Revenue Divisional Officer,
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4. The Inspector of Police,
T-1, Ambattur Police Station,
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