



W.P. No. 33294 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2024

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 33294 of 2023

and

W.M.P. No. 33039 of 2023

Palanivel

... Petitioner

-VS-

1. The Chairman,
Tamil Nadu Urban Habitat Development Board,
No. 5, Kamarajar Salai,
Chennai - 600 005.
2. The Revenue Inspector (North),
Estate Office-II,
Tamil Nadu Urban Habitat Development Board,
Vyasarpadi,
Chennai - 600 039.
3. The Joint Commissioner,
HR & CE Department,
Nungambakkam,
Chennai - 600 006.
4. The Assistant Commissioner,
HR & CE Department,
Nungambakkam,
Chennai - 600 006.
5. The Executive Officer,
Arulmighu Raveeswarar Temple,
No. 56, Moorthinagar Street,
Vysarpadi,
Chennai - 600 039.

... Respondents



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Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, forbearing the Third to Fifth Respondents from dispossessing and demolishing the house of the Petitioner comprised in Survey No. 561-Part in Plot No. 30, bearing Door No. 33, Chinnathambi Street, Vyasarpadi, Chennai - 600 039, with the appurtenance attached thereon based on the representation of the Petitioner dated 22.11.2023.

For Petitioner : Mr. C.Prabakaran

For Respondents : Mr. G.Shivakumar (for R1 & R2)

Mr. K.Karthikeyan,
Government Advocate (for R3 to R5)

ORDER

Heard Mr. C.Prabakaran, Learned Counsel for the Petitioner, Mr. G.Shivakumar, Learned Counsel for the First and Second Respondent and Mr. K.Karthikeyan, Learned Government Advocate appearing for the Third to Fifth Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The grievance ventilated by the Petitioner in the Writ Petition is that he had made representation dated 22.11.2023 to the Third to Fifth Respondents not to demolish his house and dispossess him from his property comprised in



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Survey No. 561-Part in Plot No. 30, bearing Door No. 33, Chinnathambi Street, Vyasarpadi, Chennai, but as it did not evoke any response, it has necessitated the filing of this Writ Petition.

3. This Court by order dated 28.11.2023 had directed the Tahsildar, Perambur Taluk, Chennai District to inspect the property along with Surveyor and measure the same with revenue records in relation to the respective extents claimed by the First and the Fifth Respondents and submit a report along with FMB sketch. In furtherance to the said order, a memo dated 08.01.2024 has been filed by the Tahsildar, Perambur Taluk, Chennai District, which reads as follows:-

“3. It is submitted that the Executive Officer of Arulmighu, Raveeswarar Thirukoil has filed a petition to measure and submit a report regarding R.S. No. 561, Block No. 28 of Perambur Town.

4. During a joint inspection on January 4th, 2024, the Tahsildar, Deputy Inspector of Survey, Field Surveyor, Executive Officer, A/M Raveeswarar Thirukoil, Special Tahsildar (Temple Lands), and Licensed Surveyor of H.R. & C.E. Were present. The purpose of the inspection was to examine the subject property



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involved in the Writ Petition, which is located in R.S. No. 561, Block No. 28 of Perambur-Part-3, Village. To provide a comprehensive record of the property, both the Manual PLR and computerized PLR were consulted and are available for review.

The subject property involved in the said Writ Petition is comprised in R.S. No. 561, Block No. 28 of Perambur-Part-3, Village. The Permanent Land Register Extract as per Manual PLR and computerized PLR are as follows:-

<i>Description</i>	<i>As per entries in the manual PLR (Exempted Register)</i>	<i>As per entries in the computerized PLR</i>
<i>Taluk</i>	<i>Perambur</i>	<i>Perambur</i>
<i>Town</i>	<i>Perambur-3</i>	<i>Perambur-3</i>
<i>Block No.</i>	<i>28</i>	<i>28</i>
<i>T.S. No.</i>	<i>561</i>	<i>561</i>
<i>Old S. No.</i>	<i>--</i>	<i>--</i>
<i>Classification</i>	<i>Exempted Register</i>	<i>Ryotwari land</i>
<i>Extent</i>	<i>Caw. Grd. Sq.feet 01 13 0571</i>	<i>2691.5 Sq.metres</i>
<i>Adangal</i>	<i>Sri Ravi Eswarar Koil, Vyasarpadi Tank, belonging to the Temple</i>	<i>Tamil Nadu Slum Clearance Board</i>

5. *It is submitted that the Exempted Register entries have not been computerized yet. TNSCB has purchased 2691.5 Sq.metres of*



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land from the Temple authorities and registered it in the computerized land records for the portion of land actually bought by him.

6. *According to the record, the Tamil Nadu Urban Habitat Development Board has assigned plot No. 30 to the Petitioner. The said plot is a part of the land acquired by the TNUHDB. The land allocated to the Petitioner measures 87 feet from North to South on the Eastern and Western sides. Out of this land, the Petitioner has constructed a building that extends up to 80 feet from North to South. The remaining 7 feet of land from North to South has been kept vacant.*

7. *It was found during the inspection that the Petitioner did not encroach on the land owned by the Temple Authorities. A sketch prepared for the same along with a copy of the computerized Permanent Land Register and an extract from the Exempted Register are enclosed. The disputed portion falls within the area of land purchased by TNUHDB.”*



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It is evident from the said memo that the Petitioner was not an encroacher on any land owned by the Temple and the same is recorded. In view of the same, nothing remains for further consideration in the Writ Petition.

In fine, the Writ Petition is disposed. Consequently, the connected Miscellaneous Petition is closed. No costs.

14.02.2024

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 23.04.2024.

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To

1. The Chairman,
Tamil Nadu Urban Habitat Development Board,
No. 5, Kamarajar Salai,
Chennai - 600 005.
2. The Revenue Inspector (North),
Estate Office-II,
Tamil Nadu Urban Habitat Development Board,
Vyasarpadi,
Chennai - 600 039.
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P.D. AUDIKESAVALU, J.

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