



WEB COPY



W.P. No.999 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR

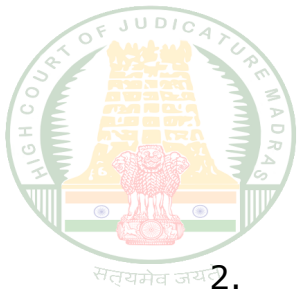
W.P. No.999 of 2025 and W.M.P. No.1501 of 2025

1. C.Kandasamy
2. Chocklingam
3. Seetha
4. L.Dhamodharan
5. K.Dakshinamurthy
6. G.Kesavan
7. S.Ulaganathan
8. Maragathammal
9. S.Venkatesan

Petitioners

VS.

1. The Principal Secretary
and Commissioner of Municipal Administration
Chepauk
Chennai 5



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2. The District Collector
A Block, 2nd Floor
Collectorate, Sathuvachari
Vellore 632 009
3. The District Revenue Officer
Collectorate Campus
Sathuvachari
Vellore 632 009
4. The Revenue Divisional Officer
Near Periyar Park
Behind Vellore Fort
Vasanthapuram
Kosapet
Vellore 632 001
5. The Tahsildar
Anaicut Taluk
Kallavi Tirupattur Road
Vellore 632 001

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the records in Na.Ka.No.A1/2022/2024 dated 21.11.2024 issued by the 5th respondent and to quash the same as wholly illegal and without jurisdiction and to consequently direct the 2nd respondent to consider the application dated 06.02.2023 for grant of leasehold rights of the lands situated in Survey No.6 admeasuring 1.79 acres, Survey No.274 admeasuring 10.94 acres and Survey No.276/1 admeasuring 10.94 acres in Vettuvanam Village, Vellore Taluk, Vellore District in favour of the petitioners within a reasonable time.



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For petitioners

Ms. Gopika Nambiar
for Mr. R. Sanjay

For respondents

Mr. V. Ravi
Special Government Pleader

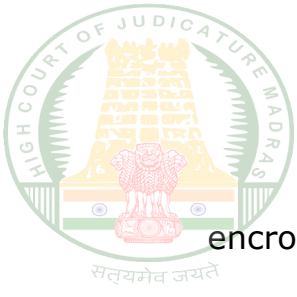
ORDER

[made by M.SUNDAR, J.]

Captioned 'writ petition' (hereinafter 'WP' for the sake of brevity) has been filed with a certiorarified mandamus prayer.

2. The certiorari limb is one that assails an order dated 21.11.2024 bearing reference Na.Ka.A1/2022/2024 made by R5 (Tahsildar) (hereinafter 'impugned order' for the sake of convenience and clarity). The mandamus limb is one that seeks a direction to R2 (District Collector) to consider writ petitioners' application dated 06.02.2023 for grant of leasehold rights of lands situate in S.Nos. 6, 274 and 276/1 in Vettuvanam Village, Anaicut Taluk, Vellore District (hereinafter 'said lands' for the sake of convenience and clarity).

3. Ms. Gopika Nambiar, learned counsel appearing on behalf of Mr. R. Sanjay, learned counsel on record for writ petitioners, advertng to the impugned order, submits that *vide* the impugned order, R5 (Tahsildar) has called upon the writ petitioners to remove the



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encroachments of writ petitioners in said lands but writ petitioners' application for leasehold rights *qua* said lands is pending. This has necessitated the captioned main WP is learned counsel's further say.

4. Issue notice to respondents.

5. Mr. V. Ravi, learned Special Government Pleader, accepts notice for respondents and submits that the impugned order has clearly called upon the writ petitioners to produce registered documents or Court orders, if any, if there is any objection to being called upon to remove the encroachments *qua* said lands.

6. Owing to the limited scope of the captioned main WP, captioned main WP was taken up in the Admission Board with the consent of the learned counsel on both sides.

7. There is no disputation or disagreement that said lands are Arasu Poramboke (அரசு பொறம்போக்கு - தோப்பு). However, as rightly pointed out by learned State counsel, the impugned order has given an opportunity to the writ petitioners to produce documents.



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8. Therefore, we are of the considered view that it will serve the ends of justice if we make an order writing that the impugned order shall now be considered as 'show cause notice' (hereinafter 'SCN' for the sake of brevity) and further action, if any, shall depend upon the cause shown by the writ petitioners and in accordance with the applicable/appropriate statute which means that the writ petitioners will be given further opportunity under the applicable/appropriate/concerned statute.

9. In the light of the narrative and dispositive reasoning set out *supra*, following order is made:

(i) Certiorari limb of the prayer is not acceded to in entirety as we write that the impugned order shall now be construed as a SCN;



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(ii) Writ Petitioners can now submit documents as called upon in the last sentence of the impugned order (now SCN) within a fortnight from today *i.e.*, on or before 04.02.2025;

(iii) In the writ petitioners' response, it is open to the writ petitioners to point out that an application for leasehold rights *qua* said lands is pending;

(iv) It is made clear that the writ petitioners' application for leasehold rights will be considered on its own merits and in accordance with law by the authorities concerned untrammelled by this order. To put it differently, this order will neither serve as an impetus nor impede consideration of the writ petitioners' application for leasehold rights *qua* said lands; and

(v) As already stated in the narrative and dispositive reasoning *supra*, further action (if any) will be subject to the cause shown and in accordance with applicable statute which would provide for the writ petitioners further being show caused.



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10. Captioned main WP stands disposed of in the aforesaid manner. Consequently, connected WMP thereat is disposed of as closed. There shall be no order as to costs.

(M.S., J.) (K.R.S., J.)
21.01.2025

cad
Index : Yes/No
Internet : Yes/No



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and
K.RAJASEKAR, J.

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To

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and Commissioner of Municipal Administration
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Chennai 600 005
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