



Writ Petition No.1983 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.1983 of 2022

and

W.M.P.No.2139 of 2022

D.Rajan

S/o.Late Duraisamy

... Petitioner

Vs.

1.The Collector,
Ranipet District,
Ranipet.

2.The Executive Engineer,
Public Works Department,
Building and Maintenance,
Vellore Fort, Vellore District.

3.The Tahsildar,
Sholinghur Taluk,
Sholinghur,
Ranipet District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus forbearing the respondents from interfering with the petitioners' peaceful possession and enjoyment of patta land comprised in S.No.157A/5C having an extent of 0.76.0 Hectares equivalent to 1.88 Acres of land, situated at Pandiyanallur Village, Sholinghur Taluk, Ranipet District, except by due process of law.



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For Petitioner : Mr.G.Jeremiah

For Respondents : Mr.Sathish
Additional Government Pleader

ORDER

When the matter came up for hearing on 13.02.2025, this Court passed the following order:

"This writ petition has been filed to restrain the respondents from interfering with the peaceful possession and enjoyment of patta land belonging to the petitioner in Survey No.157A/5C measuring an extent of 1.88 acres of land.

2.A counter affidavit has been filed by the 3rd respondent. The 3rd respondent has taken a stand that the proposed construction of quarters for Tahsildar was carried out in Survey Nos.158A/1B and 158A/1C. That apart, the wall that was raised in Survey No.158A/1 which was a poramboke land was demolished. Hence, according to the 3rd respondent, there was no attempt made to interfere with the possession and enjoyment of the petitioner in Survey No.157A/5C.

3.The learned counsel for the petitioner submitted that the wall that was within the property belonging to the petitioner in Survey No.157A/5C was actually demolished since that the only access way to the quarters that was constructed by the respondents. The learned counsel for the petitioner submitted that even though a stand has been taken in the counter affidavit that the respondents are not intending to interfere with the possession and enjoyment in Survey No.157A/5C, the demolition had already taken place and if the petitioner constructs the wall in his property in Survey No.157A/5C, it will virtually block the way to the quarters. Hence, the learned counsel submitted that such stand taken in the counter affidavit is unsustainable.

4.The 3rd respondent is directed to conduct a survey and submit a report before this Court as to whether the wall that



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was demolished while undertaking the construction work for quarters, was situated in Survey No.158A/1 or it was actually situated in Survey No.157A/5C. If the report states that the wall was constructed only in Survey No.158A/1 and it was demolished, there can be no objection in the petitioner raising a wall in his property in Survey No.157A/5C. If on the alternative, the wall that was demolished was actually available in the property belonging to the petitioner, compensation has to be paid to the petitioner.

5.The report shall reach this Court before the next date of hearing. Post this writ petition under the caption 'for orders' on 05.03.2025."

2. Heard Mr.G.Jeremiah, learned counsel for the petitioner and Mr.Sathish, learned Additional Government Pleader appearing for respondents.

3. Pursuant to the above order, a status report has been filed by the Tahsildar, Sholinghur, along with the sketch and other revenue records. The relevant portions in the report are extracted hereunder:

"3) I submit that this Hon'ble High Court in its order dated 13.02.2025 in W.P.No.1983 of 2022 directed the 3rd respondent to conduct a survey and a report before this court and observed the following. As to whether the wall that was demolished while undertaking the construction work for quarters, was situated in Survey No.158A/1 or it was actually situated in Survey No.157A/5C. If the report states that the wall was constructed only in Survey No.157A/1 and it was demolished, there can be no objection in the petitioner raising a wall in this property in Survey No.157A/5C. If on the alternative, the wall



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that was demolished was actually available in the property belonging to the petitioner compensation has to be paid to the petitioner with this direction, this writ petition was posted under the caption for orders on 05.03.2025.

4) I submit that as per the direction of this Hon'ble Court, I inspected the subject lands in Survey Nos.157A/5C (Patta land) and 158A/1 (Government Porambokke of Pandiyanallur Village of Sholinghur Taluk) on 01.03.2025 along with Zonal Deputy Tahsildar Sholinghur, Revenue Inspector Sholinghur, Firka Surveyor Sholinghur and the Village Administrative Officer, Pandiyanallur Village and conducted verification on ground.

5) I submit that the subject dilapidated wall was existing in between the land in Survey No.158A/1 (Unassessed waste Porambokke) and Survey No.356 State Highways Porambokke. The subject wall was not in the Survey No.157A/5C patta land of the petitioner.

6) I submit that the subject demolished wall was not in the land in Survey No.157A/5C patta land of the petitioner. Hence the payment of compensation to the writ petitioner does not arise.

7) I submit that the survey sketch showing the location of the Survey No.157A/5C Patta Land, Survey No.158A/1 Unassessed waste Porambokke land and Survey No.356 State Highways road porambokke land and the demolished wall in question is placed for kind perusal of this Hon'ble Court."

4. In the light of the specific stand taken by the respondents and also in the light of the report that has now been filed by the third respondent to the effect that the Wall that was demolished was not present in the property belonging to the petitioner in S.No.157A/5C and



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that the Wall was present only in S.No.158A/1 and S.No.356, the grievance expressed by the petitioner is sufficiently redressed. Therefore, it is made clear that the respondents will not interfere with the petitioner's peaceful possession and enjoyment of the patta land comprised in S.No.157A/5C to an extent of 0.76.0 Hectares (1.88 acres) at Pandiyanallur Village, Sholinghur Taluk, Ranipet District.

This writ petition is disposed of in the above terms. No costs.

Consequently, connected miscellaneous petition is closed.

05.03.2025

Neutral Citation: Yes/No
Index: Yes/no
Speaking Order/Non-Speaking Order
gm

To

- 1.The Collector,
Ranipet District,
Ranipet.
- 2.The Executive Engineer,
Public Works Department,
Building and Maintenance,
Vellore Fort, Vellore District.
- 3.The Tahsildar,
Sholinghur Taluk,
Sholinghur,
Ranipet District.



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N.ANAND VENKATESH, J

gm

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