



WEB COPY



W.P.No.3771 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2025

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and
THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN
THILAKAVADI

W.P.No.3771 of 2021

M.Stalin
S/o.Muthusamy

...Petitioner

Vs

1. The District Collector
Kancheepuram District.
2. The Tahsildar
Sriperumbudur Taluk
Kancheepuram District.
3. Tamil Evangelical Luthern Church
Rep. by its Pastor
TELC Mannur Village
Velarpuram Post
Sriperumbudur Taluk.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 and 2 to consider the petitioner's representation dated 29.09.2020.

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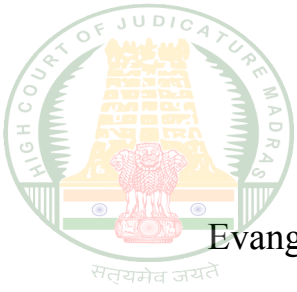
For Petitioner : Mr.V.Ragavachari
Senior Counsel for Mr.R.Anbalagan
Assisted by
Mr.Avinash Wadhwani
Ms.V.Pavithra
For Respondents : Mr.T.K.Saravanan
Government Advocate, for R1 & R2
Mr.M.Guruprasad,
Assisted by Mr.S.Arunprasath, for R3

ORDER

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

Captioned main 'Writ Petition' {hereinafter 'WP' for the sake of brevity, convenience and clarity} has been filed with a mandamus prayer qua a 'representation dated 29.09.2020' {hereinafter 'said representation' for the sake of brevity, convenience and clarity} given by writ petitioner to R1 and R2.

2. Mr.V.Ragavachari, learned Senior Counsel instructed by Mr.R.Anbalagan, counsel on record for writ petitioner and assisted by Mr.Avinash Wadhwani and Ms.V.Pavithra, who is before us, advertng to said representation submitted that the kernel of the matter is, what according to writ petitioner is encroachment by private respondent (R3 - Tamil



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Evangelical Luthern Church) in 'S.No.681/4 in Mannur Village, Sriperumbudur Taluk, Kancheepuram District' {hereinafter 'said land' for the sake of brevity, convenience and clarity}. In his representation, writ petitioner has submitted that S.No.683/4 (Old S.No.355/9B) is patta land which belongs to writ petitioner, said land is 15 feet public passage which gives access for writ petitioner to Poonamallee - Arakkonam Highway but the encroachment by R3 is obstructing his access to the Highway. Pleading that there is inaction qua said representation, captioned main WP was filed in this Court on 11.02.2021 through learned Counsel Mr.A.Prabhakaran. Thereafter, writ petitioner on 19.07.2024 submitted that he wants to represent the matter party-in-person but he changed his mind and present counsel has filed Vakalatnama (change of vakalatnama) on 13.08.2024. Learned Senior Counsel submitted that alleged encroachments are in the form of a Church (Tamil Evangelical Luthern Church) and a School run by the Church.

3. Learned State Counsel for R1 and R2, adverting to counter affidavit and sketch submitted that said land is Government Poromboke land. To be



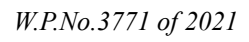
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noted, there is no dispute or contestation about this position. However,

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Mr.M.Guruprasad along with Mr.S.Arunprasath, learned counsel for R3, adverted to counter affidavit of R2 submitted that the Church and the School are in existence for over 100 years and that the School is a Government Aided School.

4. The legal drill on hand now stands narrowed down to writ petitioner's access to Poonamallee - Arakkonam Highway through said land which is a public pathway and possible obstruction of the same is owing to a compound wall (boundary wall) that is being constructed by the Church / School. A scanned reproduction of the sketch placed before us by learned State Counsel is as follows:





5. Multiple photographs were placed before us and one photograph

which gives panoramic and clear view of topography of the place and issue

which we are concerned with is as follows:



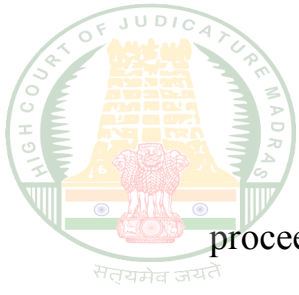


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6. Aforesaid sketch and photograph are not subjected to any
disputation or contestation by parties.

7. Parties now consented that the compound wall built thus far lengthwise will remain at where it is, it will not be constructed further lengthwise but at right angle i.e., perpendicular to existing compound wall at the point upto which it is constructed now, a gate upto to the School building can be put up. Iron columns put up for continuing the construction of the compound wall lengthwise will be removed by R3 within four weeks from today i.e., by 04.03.2025 is the undertaking which R3 gives to this Court and the same is recorded.

8. Aforementioned consensus was arrived at, as the stand taken by R3 is that the compound wall is being put up considering the safety of Children in the School. Therefore, we make it clear that all other questions i.e., rights and contentions of the Church / School, villagers and other land owners, alleged encroachments in said land are all left open and the same will neither be impeded by this order nor will this order serve as an impetus, if there are



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proceedings in future.

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[M.S.,J.]

[K.G.T.,J.]

04.02.2025

Index : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking order

mk

To

1. The District Collector
Kancheepuram District.
2. The Tahsildar
Sriperumbudur Taluk
Kancheepuram District.



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M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,

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