



W.P.No.20766 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.20766 of 2025
and
W.M.P. No.23428 of 2025 in W.P.No.20766 of 2025

D.Arockia Sekar

... Petitioner

Vs.

- 1.The Commissioner,
Villivakkam Panchayat Union,
Villivakkam Panchayat Union Office,
Ambattur, Chennai – 600 053.
- 2.The District Collector,
Tiruvallur District,
Chinna Ekkadu, Jaya Nagar,
Tiruvallur, Tamil Nadu – 602 001.
- 3.The District Revenue Officer,
Bharathiyar Street, SP Nagar,
Tiruvallur, Kakkalur,
Tamil Nadu – 602 003.
- 4.The Block Development Officer,
Villivakkam Panchayat Union,
Ambattur, Chennai – 600 053.



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5.The Tahsildar,
Poonamallee Taluk,
No.5, Trunk Road,
Ettima Nagar, Poonamallee,
Chennai – 600 056.

6.The President,
Adayalampattu Panchayat Union Committee,
Villivakkam Panchayat Union,
Chennai – 600 095.

7.V.Balamurugan

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing the fifth respondent to comply with the proceedings in Na.Ka.No.3092/2022/A3 dated 26.03.2025 sent by the fourth respondent by removing the encroachments made over the Open Space Reservation land (OSR) and the vinayagar idol situated at Tiruvallur District, Villivakkam Panchayat Union, Adayalampattu Panchayat, within a time frame fixed by this Court.

For Petitioner : Mr.Vijayan Subramanian



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ORDER

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

Subject matter of captioned main 'Writ Petition' [hereinafter 'WP' for the sake of brevity] is a 'land comprised in Survey Nos.71/1, 71/2 and 72 in Adayalampattu Village, Poonamallee Taluk situate in Adayalampattu Panchayat, Villivakkam Panchayat Union, Thiruvallur District' (hereinafter 'said land' for the sake of convenience and clarity).

2. Construction in the form of Ganesh temple put up in said land is the fulcrum of the controversy.

3. One Mr.Balasubramaniyan S, S/o.Mr.Somasundaram filed a suit in O.S. No.45 of 2023 on the file of Principal District Munsif, Poonamallee on 16.02.2023 with a bare injunction prayer qua possession as regards said land. We find from the official website that the suit is pending and there is no interim order. A copy of the plaint as available is as follows:

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IN THE COURT OF THE HON'BLE DISTRICT MUNSIF AT
POONAMALLEE

O.S. No. 45 of 2023

Mr.Balasubramanian.S
S/o. Somasundaram,
Plot No. 402, Block A-2,
Park View Apartments, 4th Floor
Adayalampattu,
Maduravoyal,
Chennai – 600095

..... Plaintiff

-Versus-

1)The District Collector
Thiruvallur District
Thiruvallur- 6002001

2) The Commissioner
Villivakkam Panchayat Union
at Ambattur,
Chennai-600053.

3) The Block Development Officer
Villivakkam Panchayat Union
at Ambattur, Chennai – 600053

4) The President
Adayalampattu Village Panchayat
Adayalampattu, Maduravoyal,
Chennai – 600095

.... Defendants

PLAINT FILED UNDER ORDER VII RULE 1 of CPC

I. The Plaintiff is Mr.Balasubramanian.S, S/o. Somasundaram, Hindu
aged 65 years residing at Plot No. 402, Block A-2, Park View Apartments, 4th
Floor, Adayalampattu, Maduravoyal, Chennai – 600095, within the jurisdiction
of this Hon'ble Court.

Buyer



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The address for service of all processes and notices on the Plaintiff is that of his Counsel M/s. S.Nizar Ahamed & D.Saravanan at Civil Bar Association Poonamallee.

II. The 1st defendant is The District Collector, Thiruvallur District, Thiruvallur- 6002001 within the jurisdiction of the District Munsiff at Thiruvallur.

The 2nd defendant is The Commissioner, Villivakkam Panchayat Union, Ambattur, Chennai-600053 within the jurisdiction of the District Munsiff at Ambattur.

The 3rd defendant is The Block Development Officer, Villivakkam Panchayat Union, Ambattur, Chennai – 600053 within the jurisdiction of the District Munsiff at Ambattur.

The 4th defendant is The President, Adayalampattu Village Panchayat, Adayalampattu, Maduravoyal, Chennai – 600095. within the jurisdiction of this Hon'ble Court.

1. The Plaintiff states that he is a permanent resident of the above mentioned address.

2. The Plaintiff states that several layouts were formed by the land developers and named as Millennium Town, Metro Royal City, MCK layout, Kings Avenue Layout, all which fall under the Adayalampattu Village Panchayat. The Village panchayat also includes the local residents of the Adayalampattu village. The entire Adayalampattu village comprises of more than 10,000 people. The Village is a pucca residential locality.

[Signature]



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3. The Plaintiff states that there are more than 150 vacant plots in all the approved layouts put together. There are several flats as well as independent houses in the Village Panchayat. While the layouts were formed in the year 2004-2006, certain plots were categorized as Open Space Reservation (OSR) Lands meant for public purpose. Though certain plots were left as OSR lands, that was done only for getting approval of the competent authority. As per the law, 10% of the total extent of land has to be set apart as OSR land. Only if the lay out is plotted out in such a manner, approval would be granted by the competent authorities. Pursuant to the layouts being granted approval, certain gift deeds are said to be executed by the developer in favor of the Villivakkam Panchayat Union. It is understood that gift deeds were executed sometime in the year 2005-2006. However, it is seen and understood that while executing gift deeds with respect to OSR lands, the Developer has set apart 737 sq.ft in excess of the 10% of the total extent of land meant to be classified as OSR land. That is to say, there is an excess of 737 sqft of land in addition to the OSR land that has to be actually gifted to the 2nd defendant. The normal procedure is that, after the gift deed is executed in favour of the Commissioner of the concerned Panchayat Union, the land has to be handed over to the concerned Village Panchayat under whose jurisdiction the lands fall. In the case on hand, the Adayalampattu village Panchayat is the competent local body within whose jurisdiction the Village, Millennium Town Layout, Metro Royal City Layout, MCK Layout etc are situated.

4. The Plaintiff states that it is understood that the defendants 2 to 4 have not handed over either the 10% of the OSR land or the excess 737 sq.ft of land to the 4th defendant for the past 16 years and the 4th defendant has not carried out any development activities for the benefit of the public in the OSR lands of Adayalampattu Village. The Plaintiff schedule property is one such OSR land wherein 737 sq ft is in excess of the actual extent which is meant to be gifted to the competent authority.

Eyer



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5. The Plaintiff states that most of the OSR lands in Adayalampattu Village including the Plaint Schedule property have been lying idle for more than 15 years and several antisocial elements have been utilizing the said land for illegal purposes. Infact, the OSR Lands are available in abundance and are in surplus as could be evident from the respective layouts which are all adjacent to each other.

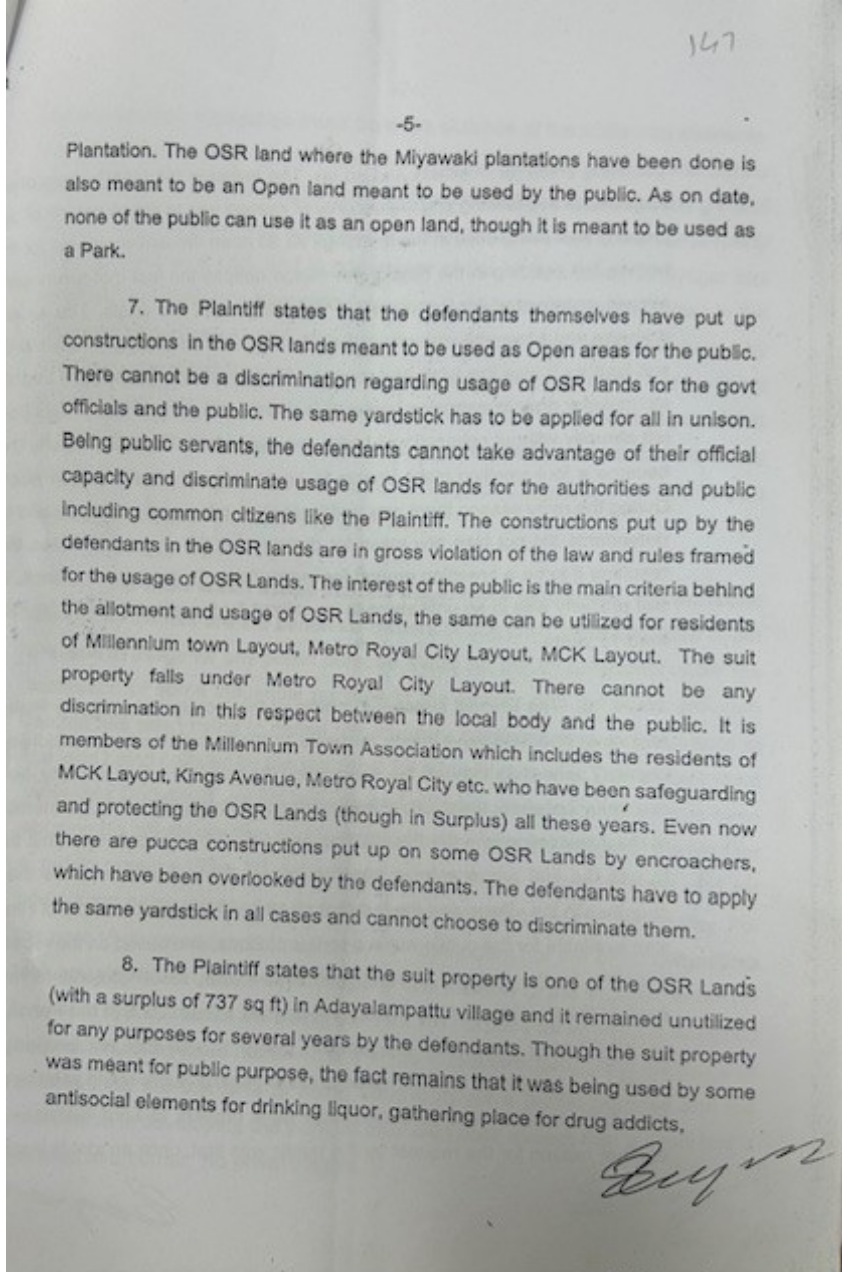
6. The Plaintiff states that, the entire residents of the Layout along with the Association have been taking various measures to curb and curtail the illegal activities carried on by such antisocial elements, who are taking advantage of the fact that the plots have been lying idle for more than 15 years. In the year 2019 some anti social elements encroached upon the property which is clearly mentioned in the schedule hereunder and herein after referred to as the suit property. Immediately, the Plaintiff alongwith the members of the Association had taken steps to evict the encroachers who had put up huts in the suit property. It was done by utilizing the funds of the Millennium Town Residents and Flat Owners Association. Though the defendants claim to have control and interest over the OSR Lands in the area, they did not bother to protect and secure the lands from antisocial elements. The fact remains that the defendants themselves have constructed water tank, Ration Shop, toilets etc in the OSR Lands meant for parks and children play area. Even today there are private encroachments in the very same Survey number of the suit property which have been ignored by the defendants for reasons best known to them. The defendants have also proposed to construct an Anganwadi in a portion of the OSR land and the work is under progress. The defendants have also turned a blind eye to the so called Miyawaki plantation carried out by the Exonaro, in the OSR land which is just on the other side of the road where the suit property is located. It is only a road that separates the Suit property and the Miyawaki



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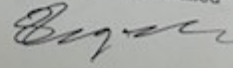




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gathering place for criminals and so on. The ladies in the locality were often subjected to eve teasing and the security of women was at risk. A portion of suit property was being used in the mornings as an open defecation ground for the women folk residing in the huts of the village despite the fact that toilets were already constructed for the usage of the villagers in two spots. The excess drainage and sewerage water from the adjoining flats was being let out into the suit land as it was low lying and more particularly due to the reason that the storm water drain constructed by the defendants using public money has been left abruptly without connecting it to any sewage canal. The suit property thus became a foul smelling place unable to be accessed by the common public. During the rainy season there was water stagnation for weeks together and the defendants did not take any steps for draining out the stagnated water, thus resulting it to be a breeding ground for mosquitoes. To put it in a nutshell, the suit property was in an unfit stage to be utilized for the general public for more than 15 years.

9. The Plaintiff states that public of the locality including the Plaintiff and several others have made requests to the authorities in their individual capacity as well as through the Association, to protect the suit property, but of no avail. Therefore, the public of Adayalampattu village, including the members of the Association and the Plaintiff requested the 4th defendant to permit them to use the suit property for a public purpose. Since there are more than 3 churches in the village and the fact that no Hindu Temple for worship of Hindus was available for the public within a radius of 2kms, and based on the repeated requests by the majority of the public in the area, the 4th defendant herein namely the President of the Panchayat passed a Resolution in the Panchayat on 12-07-2022 permitting the general public to use the suit property for construct a temple so that the ladies and the general public could use the open area for recreation and simultaneously offer prayers to Lord Ganesha. Yet another reason for the request by the public was that, once an idol is installed

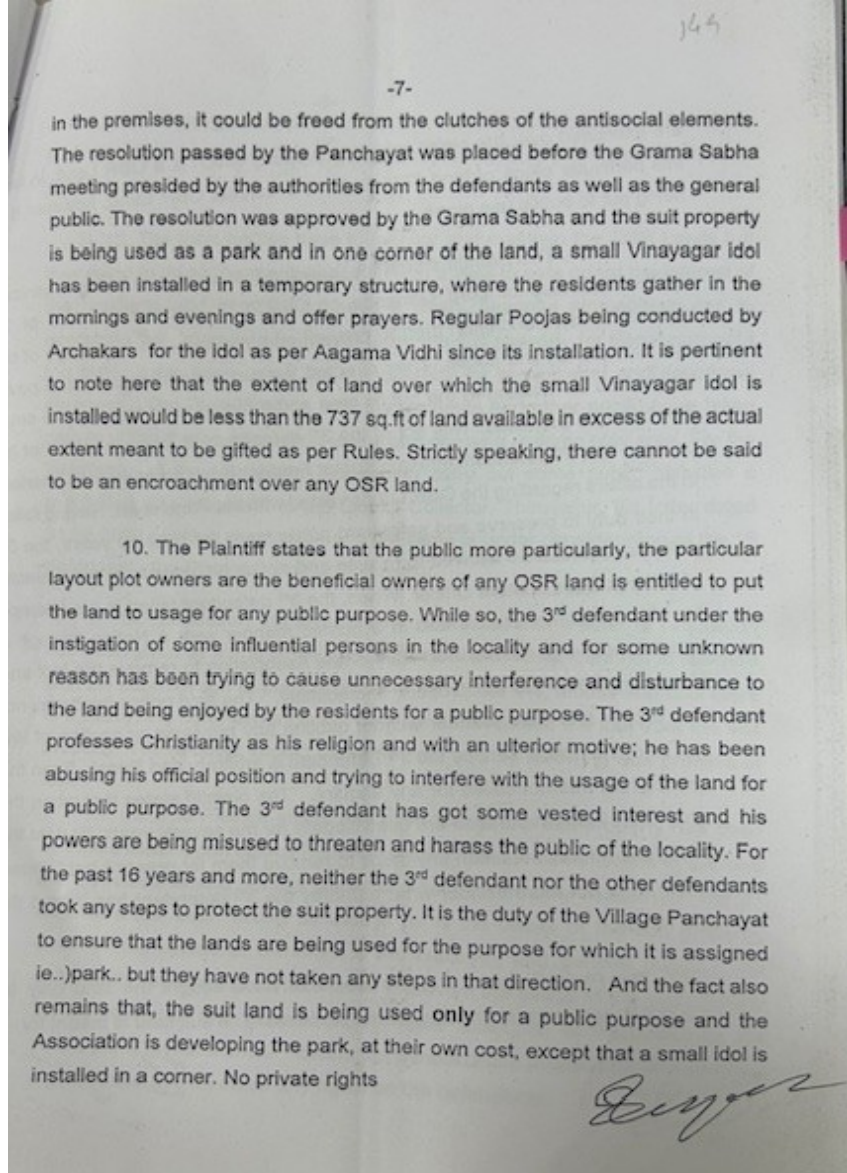




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are exercised over the plaint schedule property which is a OSR Land. In fact, this particular piece of land (737 Sq.ft) is a surplus OSR Land, however it is being put to public use alone.

11. The plaintiff states that sensing that a pooja is being organized by the devotees of Lord Ganesha on 05.2.2023, under the name of 3rd defendant, few henchmen tried to prevent and interfere with the usage of the suit property by the public. They directed the devotees to remove the paver blocks laid for walking in the public area and threatened to remove the small idol from the premises. This act of the 3rd defendant is a sheer abuse of his powers. The 3rd defendant Mr. Arun Kumar Fredrick is not competent to interfere in the affairs regarding the OSR Lands vested with the Panchayat. Having failed in their duty to preserve and safeguard public lands for over 16 years, the 3rd defendant cannot be allowed to misuse and abuse his powers in the capacity of a Block Development Officer. When, the 3rd defendant failed in his attempt, he with an ulterior motive and in a hurried manner sent a Notice through a special messenger to the Secretary of the Association to remove the idol and other things from the suit property immediately. The said notice itself was not in a proper and clear manner without quoting any provision or section of law and rule, the notice sent by the 3rd Defendant is arbitrary and illegal. Even the Association was not called for any enquiry. The plaintiff states that when the other OSR lands in the area are used illegally for the several years, till date the 3rd defendant has not taken any steps to remove them for reasons best known to him. It is not known under what authority the 3rd defendant has issued the said notice.

12. The Plaintiff states that the residents have sought the land only for enjoyment, recreational and devotional purposes. The suit land is meant for



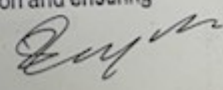
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construction of playground, park and for recreational purposes. Therefore there is no illegality to use the suit property as recreational and devotional purposes by the residents.

13. The local bodies have to monitor and maintain the OSR Lands but they failed to do so, hence, the plaintiff with a view to safe guard the interest of the residents and in order to have a clean, peaceful atmosphere and to deprecate the elements from mis- using the suit property for illegal purposes the public have been using the suit property for recreational and devotional purposes. The Plaintiff along with the residents and other public have taken care to utilize the land for some useful purpose as a children play area. For the installation of the Vinayagar idol and to carry out some public activities a requisition was also sent to the District Collector, Thiruvallur, via letter dated 31.08.2022 seeking permission and the same is under consideration of the 1st defendant - the District Collector Thiruvallur.

14. Moreover, the plaintiff has understood that a letter of requisition has been given by some of the local public to the 3rd defendant not to interfere with the public usage of the suit property. Whatever it is, unless and until there is a clarity, the defendants cannot be allowed to remove the idol from the suit property. The removal should be carried out only by following due process of law.

15. The Plaintiff states that even though the suit property has been classified as an Open Space Reservation, the ultimate beneficiaries of the land are the residents and general public and not the authority concerned. The 3rd defendant has been acting as though he is the owner of the suit property, whereas the beneficial owners are the residents and general public. The defendants have no right whatsoever to prevent the usage of the suit property by the residents and general public. Mere execution of document by the developer in favour of the 2nd defendant without taking possession and ensuring public usage will not entail any rights on the defendants.





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16. The plaintiff states that since the plaint schedule property falls within the Village Panchayat limits, the competent person is the Commissioner of Panchayat Unions. It is for the commissioner to hand over the OSR Lands to the local Panchayat who in turn has to ensure that the lands are being utilized for public purpose only. In the case of the suit property, the Panchayat and the Grama Sabha (wherein the Deputy BDO on behalf of the 3rd defendant participated and affixed his signature) have ensured and satisfied themselves that the beneficial owners of the land i.e the general public are using the land for a public purpose. It was on the basis of the resolution that the public were allowed to install a small Vinayagar deity.

17. It is only with a bonafide intention of serving the needs of the public, that the villagers were allowed to install a deity so that the suit property is not being used for open defecation and for drinking liquor and other illegal activities by antisocial elements. Since the defendants are causing unnecessary hindrance to the usage of the plaint schedule property for a public purpose, the plaintiff, for himself and on behalf of the residents is constrained to file the present suit for bare injunction.

18. The Plaintiff has not filed any suit for the same relief or same cause of action before any court.

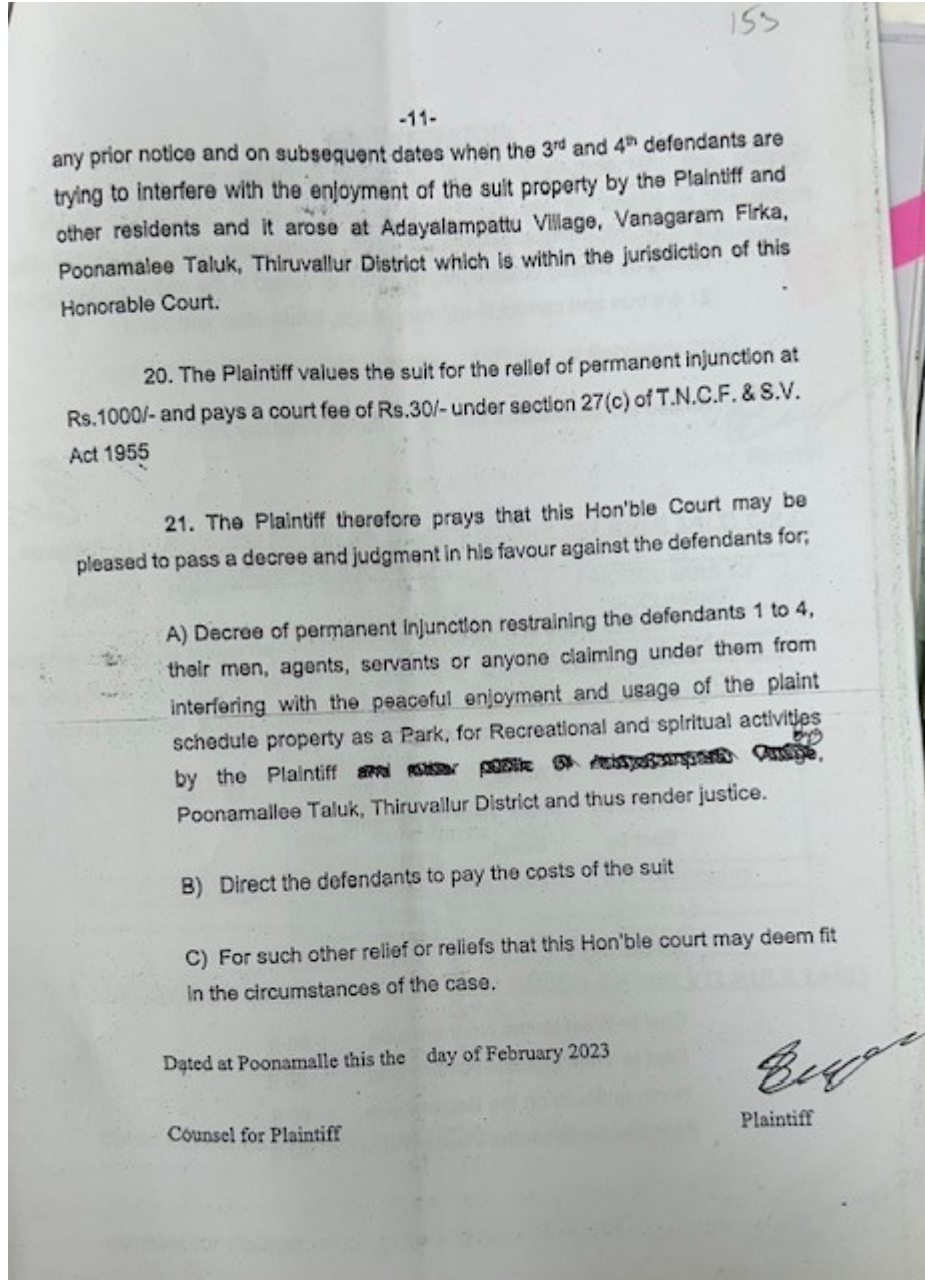
19. The cause of action for the suit arose in 2005-2006 when the suit Property was set apart by the Developer for public purpose and handed over to the commissioner of Panchayat Union, on subsequent dates when the Defendants failed to exercise their right of safeguarding the property, on 12.07.2022 the date on which a resolution was passed by the Panchayat and approved by the Grama Sabha, On 03.02.2023 the date on which the 3rd defendant tried to interfere with the usage of the land and when he failed in his attempt by using his official capacity and sent a notice on the same day to one of the residents to remove the idol from the suit property without conducting any enquiry and giving



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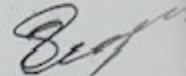
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VERIFICATION

I, Mr.Balasubramaniyan.S, S/o. Somasundaram, the plaintiff above named do hereby declare that what are all stated in the above paragraphs 1 to 21 are true and correct to my knowledge, information and belief.

Verified at Poonamallee this the day of February 2023


Plaintiff

SCHEDULE OF PROPERTY

All that piece and parcel of vacant land to an extent of about 2 grounds in Adayalampattu Village comprised in Survey No.71/1 & 2 situated at Vanagaram Firka, Poonamallee Taluk, Thiruvallur District bounded on the

North by : Street,
South by : Park View Apartments
East by : Street,
West by : Plot No.53

measuring :

East to West on the Northern side : 80 ft
East to West on the Southern side : 80 ft
North to South on the Eastern side : 60 ft
North to South on the Western side : 60 ft



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VERIFICATION

I, Mr. Balasubramanian. S, S/o Somasundaram, the plaintiff above named do hereby declare that what are all stated in the above paragraphs 1 to 21 are true and correct to my knowledge, information and belief.

Verified at Poonamallee this the 15th day of February 2023

[Signature]
Plaintiff

LIST OF DOCUMENTS FILED UNDER ORDER VII RULE 14(I) C.P.C.

S.NO	DATE	PARTIES TO THE DOCUMENT	PARTICULARS OF DOCUMENT
1.		Copy of the layout	
2	12-7-2022	By 4 th defendant	Resolution (copy)
3.	31-8-2022	By one Balamurugan to the 1 st defendant and other defendants with postal receipt	Letter (copy)
4	14-9-2022	By one Balamurugan to the 1 st defendant and other defendants with postal receipt	Letter(copy)
5	15-2-2023	Photographs	Photographs
		Acknowledgement Cards	Original
		Acknowledgement Cards	Original
		As to Card of Plaintiff	None

LIST OF DOCUMENTS RELIED UPON UNDER ORDER VII RULE 14(II) C.P.C

Nil at present

Dated at Poonamallee this the 15th day of February 2023

Counsel for Plaintiff

[Signature]
Plaintiff



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VERIFICATION

I, Mr. Balasubramanian. S, S/o Somasundaram, the plaintiff above named do hereby declare that what are all stated in the above paragraphs 1 to 21 are true and correct to my knowledge, information and belief.

Verified at Poonamallee this the 15th day of February 2023

B. S. S.
Plaintiff

**STATEMENT OF ADDRESSES FILED UNDER ORDER VI RULE 14 A
CPC**

Plaintiff : Mr. Balasubramanian. S
S/o Somasundaram.
Plot no. 402, Block A-2
Park View Apartments, 4th Floor
Adayalampattu,
Maduravoyal,
Chennai 600095

Address for Service : Mr. S. Nizar Ahamed,
D. Saravanan
Civil Bar Association Poonamallee.

1st Defendant : The District Collector
Thiruvallur District
Thiruvallur - 602001

2nd Defendant : The Commissioner
Villivakkam Panchayat Union
At Ambattur
Chennai - 600053

3rd Defendant : The block development Officer
Villivakkam Panchayat Union
At Ambattur, Chennai - 600053



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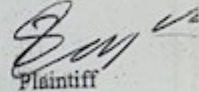
15)

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4th Defendant : The President
Adayalampattu Village Panchayat
Adayalampattu, Maduravoyal,
Chennai - 600095

Address for Service : Same as above

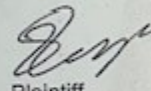
Dated at Poonamallee this the ... day of February 2023

Counsel for Plaintiff 
Plaintiff

VERIFICATION

I Mr.Balasubramaniyan.S, S/o. Somasundaram, the Plaintiff herein do hereby declare that what is stated in the above statement of addresses are true to the best of my knowledge and belief.

Verified at Poonamallee this the ... day of February 2023

Counsel for Plaintiff 
Plaintiff



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MEMO OF VALUATION

1) Nature of Suit	:	Suit for Injunction
2) Section & sub sec.	:	27(c) of T.N.C.F. ACT
3) Value for the relief of Permanent Injunction at	:	Rs. 1000/-
Court fee paid under Section 27(c) of TNCF and S V Act	:	Rs. 30/-
Total Court fee paid	:	Rs. 30/-

Dated at Poonamallee this the day of February 2023

COUNSEL FOR PLAINTIFF

4. Pending suit, writ petitioner before us (Mr.D.Arockia Sekar, S/o.Mr.P.Duraiswamy) came to this Court earlier by way of W.P.No.21576 of 2023 with removal of encroachment prayer qua said land. This writ petition came to be disposed of by a terse order (order dated 14.09.2023) made by another Hon'ble Division Bench and a scanned reproduction of the order is as follows:



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WP No.21576 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA , CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

WP No.21576 of 2023

D.Arockia Sekar ... Petitioner

-VS-

1. Block Development Officer,
Villivakkam Panchayat Union,
Ambattur, Chennai 600 053.

2. President,
Adayalampattu Panchayat Union
Committee, Villivakkam Panchayat
Union, Chennai 600 095.

3. V.Balamurugan ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 2nd respondent to comply with the order of the 1st respondent by removing the encroachment made by the 3rd respondent over the OSR land, situated at Millinium Town, Villivakkam Panchayat Union, Adayalampattu Panchayat within a time frame fixed by this Court.

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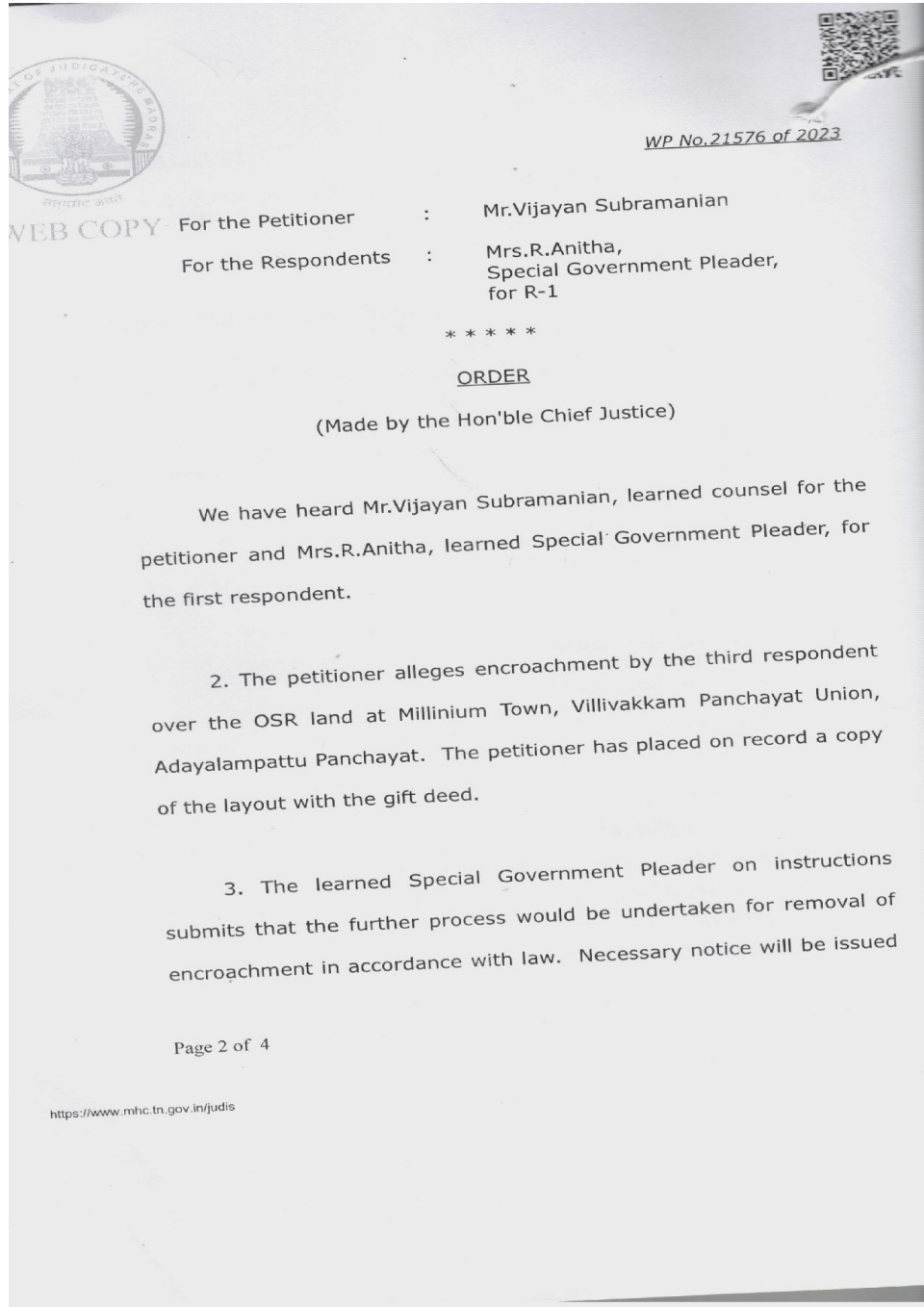
<https://www.mhc.tn.gov.in/judis>



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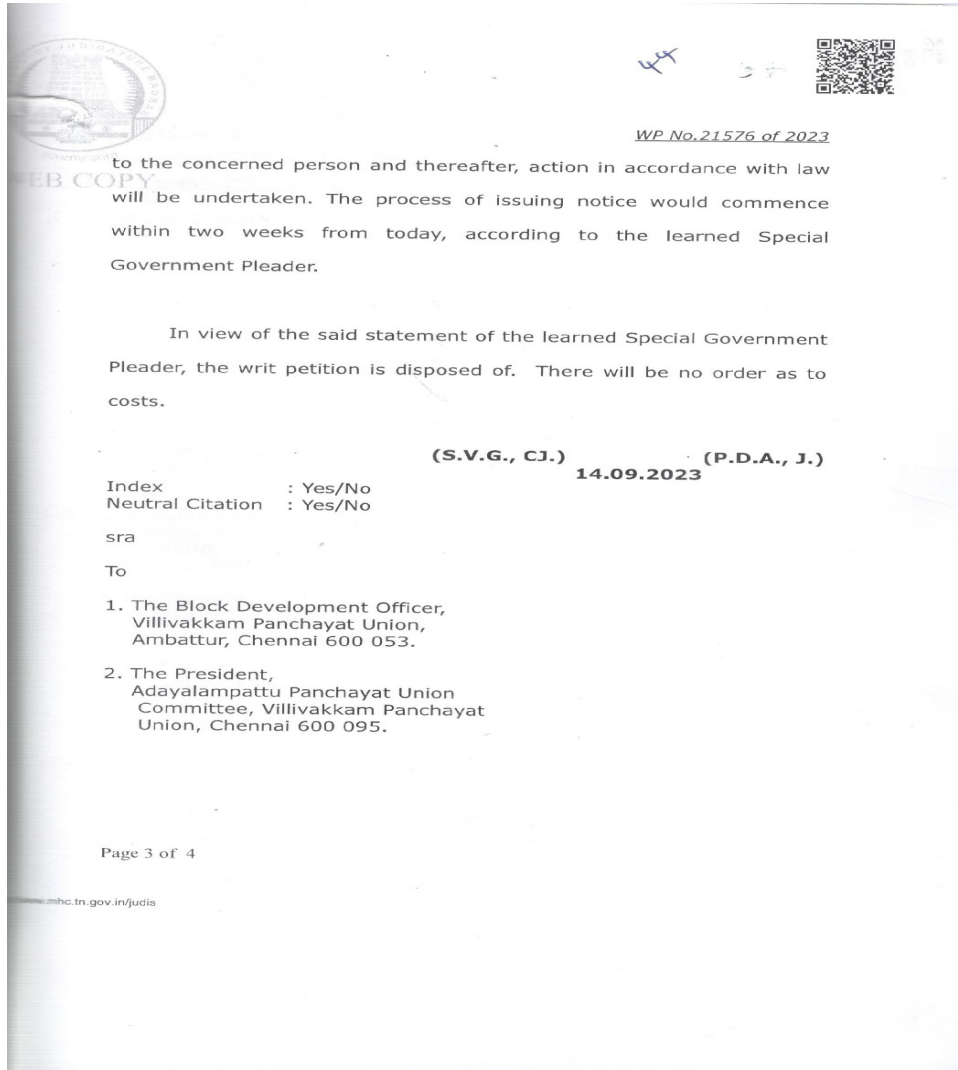




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5. Post aforementioned order, Executive Officer/Panchayat President of Adayalampattu Panchayat issued a notice dated 27.09.2023 and a scanned reproduction of the notice is as follows:



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அனுப்புனர் : அடையாளப்பட்டு ஊராட்சி
திருமதி A.S.செல்வி சரவணன்
ஊராட்சி மன்ற தலைவர்
அடையாளப்பட்டு ஊராட்சி

அடையாளப்பட்டு ஊராட்சி
நாள் : 27-09-2023

அவசர தாக்கீது
---X---X---

கொள்கை : ஆக்கிரமிப்பு (Entrotsment) அடையாளப்பட்டு ஊராட்சி - மில்லினியம் டவுன் -
V.பாலமுருகன் என்பவர் OSR மனை பகுதியில் சர்வே எண் : 71/1 & 72-ல் விநாயகர்
சிடை மற்றும் கோவில் கட்டி ஆக்கிரமிப்பு செய்யப்பட்டுள்ளது - ஆக்கிரமிப்பை
அகற்ற கோருதல் - சார்பாக :-

பார்வை : 1-யில்
சென்னை உயர் நீதி மன்றம் வழக்கு எண் : WP No : 21576 of 2023 தலைமை நீதிபதி
அவர்கள் வழங்கிய தீர்ப்பு நாள் : 14-09-2023

பார்வை : 2-யில்
வட்டார வளர்ச்சி அலுவலர் கடித எண் : 3092/2022/A3 நாள் : 26-09-2023

---X---X---

திருவள்ளூர் மாவட்டம், வில்லிவாக்கம் ஊராட்சி ஒன்றியம் அடையாளப்பட்டு ஊராட்சி
மில்லினியம் டவுன் பகுதியில் OSR நிலத்தில் சர்வே எண் : 71/1 ரு 72 இந்திய அரசியல் அமைப்பு
சட்டம் Article 226 படி அடையாளப்பட்டு ஊராட்சி மில்லினியம் டவுன் பகுதியில் அமைந்துள்ள
மனை பிரிவில் OSR மனைகளாக ஒதுக்கப்பட்ட மனைவினை திரு.V.பாலமுருகன் என்பவர்
ஆக்கிரமிப்பு செய்துள்ளதை அகற்ற நடவடிக்கை எடுக்குமாறு சென்னை உயர்நீதி மன்ற
தலைமை நீதிபதி அவர்கள் தீர்ப்பு வழங்கியுள்ளார். இதன்படி வில்லிவாக்கம் ஊராட்சி ஒன்றியம்
வட்டார வளர்ச்சி அலுவலர் அவர்களும் இதன்படி உடனடியாக நடவடிக்கை எடுக்குமாறு
தெரிவித்துள்ளார். எனவே இப்பிரது கிடைக்கப்பட்ட மனை தினத்திற்குள் அதில்
ஒட்டிக்கொண்டிருக்கிற ஆக்கிரமிப்பை உடனடியாக அகற்றுமாறு தெரிவிக்கப்படுகிறது. தவறும்
பட்சத்தில் சட்டப்படி நடவடிக்கை மேற்கொள்ளப்படும் என்பதை தெரிவித்துக்கொள்கிறோம்.

கொள்கை :
V.பாலமுருகன்
மில்லினியம் டவுன்
அடையாளப்பட்டு

OC
ஜெ.மணிவேல்
மேன்மை

செல்வி அனுப்பி / ஊராட்சி மன்ற தலைவர்
ஊராட்சி மன்ற தலைவர்
அடையாளப்பட்டு ஊராட்சி

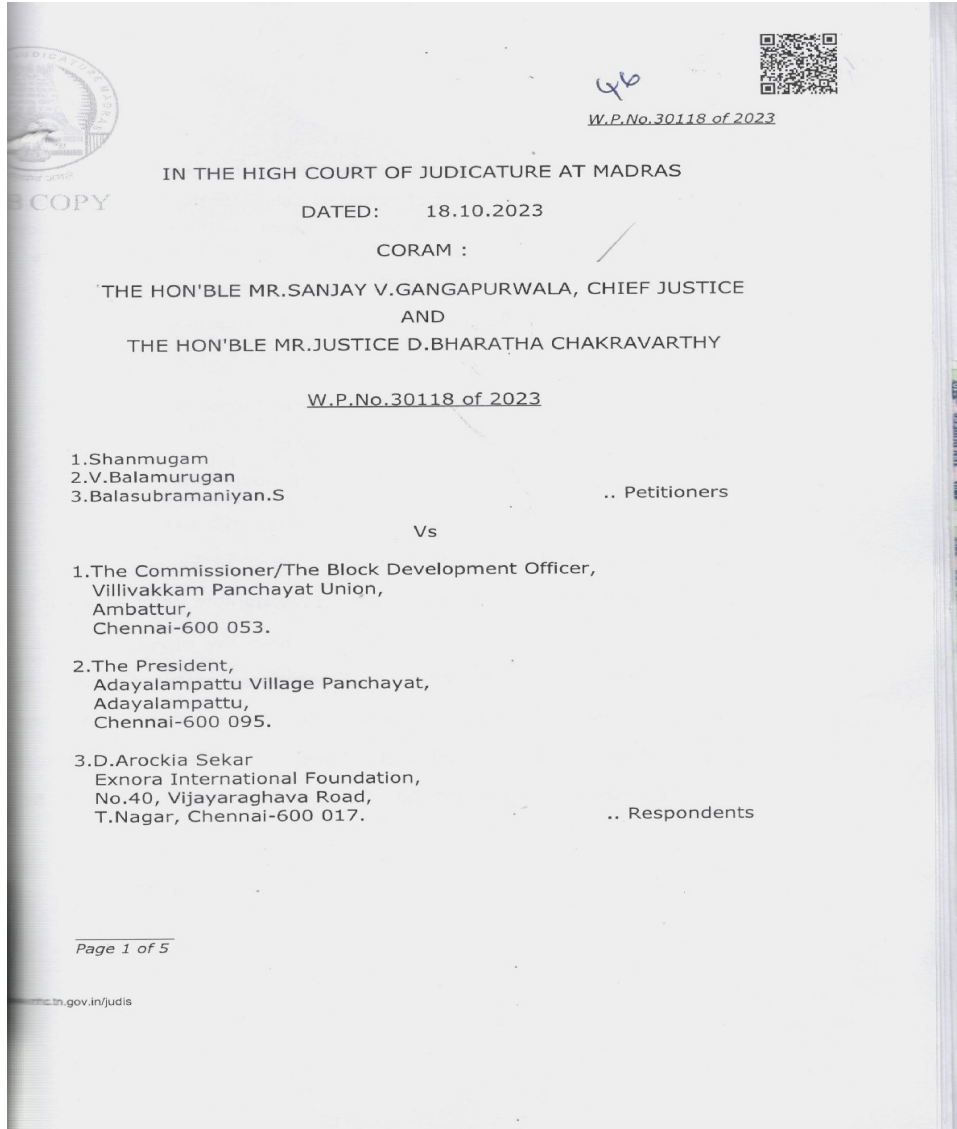
6. The above notice is addressed to Mr.V.Balamurugan (R7 before us in the captioned WP).

7. Mr.V.Balamurugan, Mr.Balasubramaniyan S (plaintiff in the aforementioned suit) and one Shanmugam joined together and filed a subsequent writ petition being W.P.No.30118 of 2023 assailing the



W.P.No.20766 of 2025

aforementioned 27.09.2023 notice and this W.P.No.30118 of 2023 came to be disposed of by another order dated 18.10.2023 and a scanned reproduction of the same is as follows:





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W.P.No.20766 of 2025



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W.P.No.30118 of 2023

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling for the records relating to the impugned notice dated 27.09.2023 issued by the second respondent to the second petitioner (for and on behalf of all residents of Adayalampattu), quash the same.

For the Petitioners	: Mr.R.Singaravelan Senior Counsel for Mr.P.Sathish
For the Respondents	: Mr.P.Muthukumar State Government Pleader assisted by Mrs.R.Anitha Spl. Government Pleader for respondent No.1

ORDER

(Order of the court was made by the Hon'ble Chief Justice)

Heard Mr.R.Singaravelan, learned Senior Counsel for Mr.P.Sathish, learned counsel for the petitioners and Mr.P.Muthukumar, learned State Government Pleader, assisted by Mrs.R.Anitha, learned Special Government Pleader for the first respondent.

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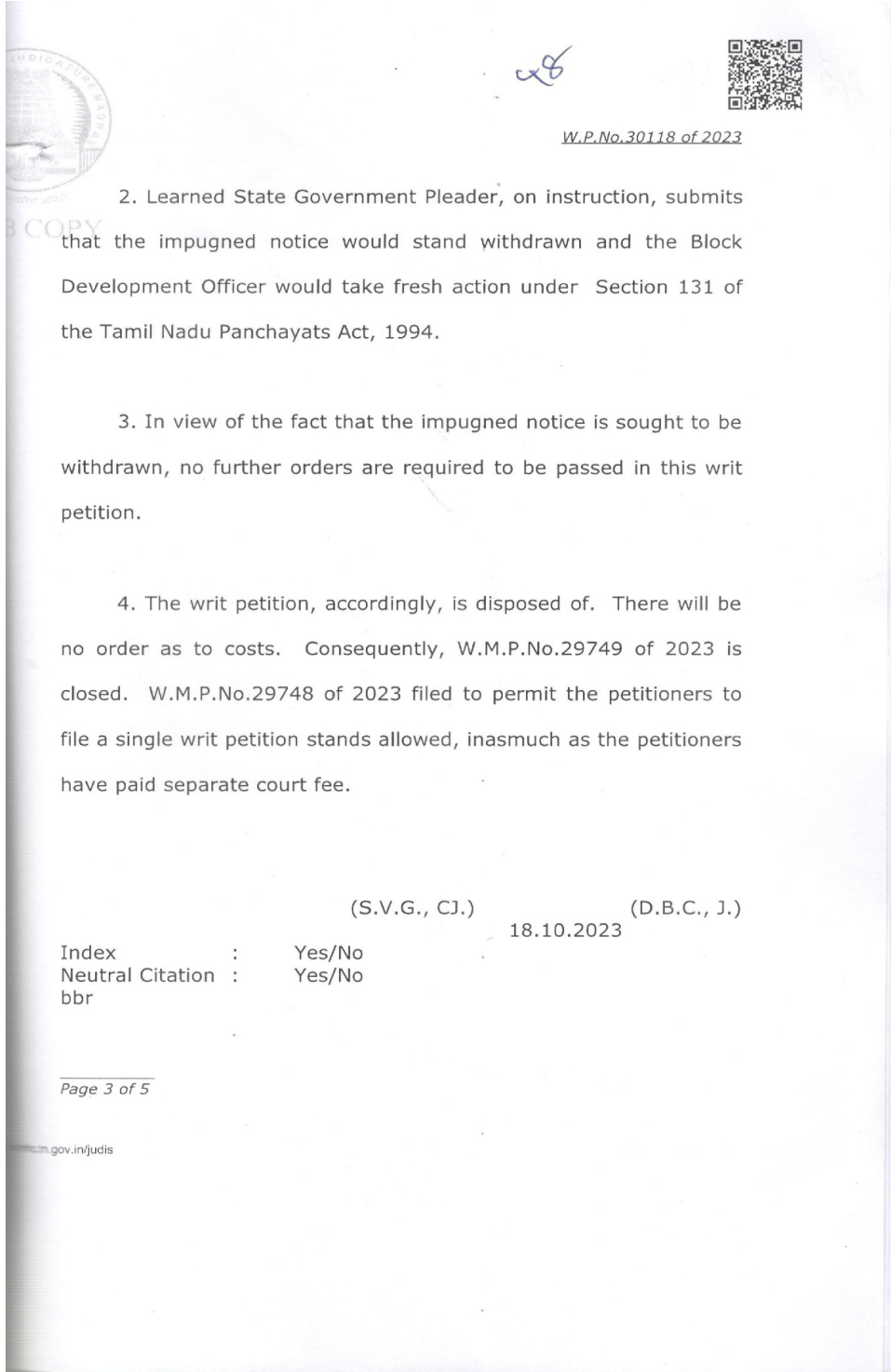
<https://www.mhc.tn.gov.in/judis>



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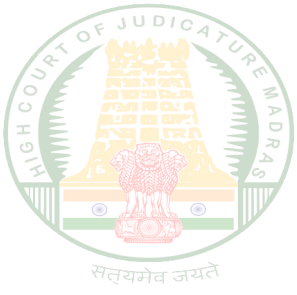


W.P.No.20766 of 2025



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gov.in/judis



W.P.No.20766 of 2025

8. The above mentioned order speaks for itself and therefore we refrain from dilating on the same. Suffice to say that pursuant to the aforementioned order, a notice under Section 131 of 'The Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21/94)' being notice dated 17.10.2024 has now been issued.

9. It is in the aforementioned circumstances that the captioned WP has been filed with a mandamus prayer qua proceedings dated 26.03.2025 made by R4 (Block Development Officer, Villivakkam Panchayat Union, Ambattur, Chennai - 53) before us.

10. From the narrative supra, it comes to light that Balasubramaniyan S, S/o.Somasundaram, who is the plaintiff in the civil suit and Shanmugam who joined Balasubramaniyan along with V.Balamurugan (R7 before us) in filing the second writ petition are not parties to the aforementioned writ petition. In the light of pendency of the suit, if a comprehensive conclusion is to be given to the brewing controversy, it is imperative that Balasubramaniyan S and Shanmugam are also made parties and status of the suit is made available to us.



W.P.No.20766 of 2025

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11. Faced with the above situation, learned counsel for writ petitioner sought leave of this Court to withdraw the captioned WP and captioned Writ Miscellaneous Petition (hereinafter 'WMP' for the sake of brevity) thereat but made a plea to preserve all the rights and contentions of the writ petitioner to file a fresh writ petition on the same cause of action/same issue after arraying the aforementioned private respondents and making a more comprehensive prayer if so advised and so desired.

12. Be that as it may, we make it clear that if any writ petition is filed, this instant order shall be made part of the typed set of papers and Registry shall entertain a fresh writ petition only on this order being annexed to the typed set of papers.

13. Learned counsel on record for writ petitioner made an endorsement in the case file and a scanned reproduction of the same is as follows:



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W.P.No.20766 of 2025

I may be Permitted
to withdraw the writ petition
numbered as W.P.No 20766/25
and W.M.P.No 23428/25.
S.V.L. 23428
Counsel for Petitioner
12/6/25
(E.No 1215/207)

14. Captioned WP and captioned WMP thereat are disposed of as withdrawn/closed albeit with preservation of rights of writ petitioner in the aforesaid manner and with aforesaid observations/directives. There shall be no order as to costs.

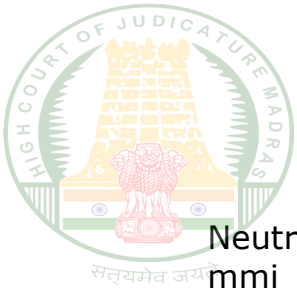
(M.S.,J.)

(H.C.,J.)

12.06.2025

Index : Yes / No

Page Nos.29/31



W.P.No.20766 of 2025

Neutral Citation : Yes / No
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To

- 1.The Commissioner,
Villivakkam Panchayat Union,
Villivakkam Panchayat Union Office,
Ambattur, Chennai – 600 053.
- 2.The District Collector,
Tiruvallur District,
Chinna Ekkadu, Jaya Nagar,
Tiruvallur, Tamil Nadu – 602 001.
- 3.The District Revenue Officer,
Bharathiyar Street, SP Nagar,
Tiruvallur, Kakkalur,
Tamil Nadu – 602 003.
- 4.The Block Development Officer,
Villivakkam Panchayat Union,
Ambattur, Chennai – 600 053.
- 5.The Tahsildar,
Poonamallee Taluk,
No.5, Trunk Road,
Ettima Nagar, Poonamallee,
Chennai – 600 056.
- 6.The President,
Adayalampattu Panchayat Union Committee,
Villivakkam Panchayat Union,
Chennai – 600 095.



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W.P.No.20766 of 2025

**M.SUNDAR, J.,
and
HEMANT CHANDANGOUDAR, J.,**

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W.P.No.20766 of 2025

12.06.2025

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