



WEB COPY

WP No. 16071 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-06-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 16071 of 2023

1. P.Adhilakshmi
W/o. Mr. Pushparaj

Petitioner(s)

Vs

1. District Collector
Kanchipuram District,
Kanchipuram – 631 501.

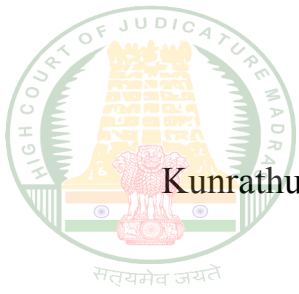
2. Tahsildar,
Kundrathur Taluk,
Kunrathur,
Chennai - 600069.

3. Assistant Divisional Engineer (State Highways),
Tambaram Division,
Chennai - 600042.

Respondent(s)

PRAYER

Direct the respondents, their men, agents and any other person from dispossessing the Petitioner from the property bearing Survey No. 4/1B, Plot No. 8A measuring 1355sq.ft situate at Ottar Kudisai Main Road, Karimanagar,



Kunrathur, Chennai - 600069 without following due process of law.

For Petitioner(s): Mr.M.V.Seshachari

For Respondent(s): Mr.V.P.R.Elamparithi
Additional Government Pleader for R1-3

ORDER

This writ petition has been filed for the issue of writ of mandamus directing the respondent not to dispossess the petitioner from the subject property without following the due process of law.

2. The 2nd respondent has filed a counter affidavit and relevant portions are extracted hereunder,

“4. It is submitted that the land in Survey No.4/1B measuring an extent of 06500 sq.mtr. stands classified as Thar Road (Bitumen Road) Government Poramboke as per Natham Settlement accounts of Kundrathur 'B' Village, Kundrathur Taluk, and it is the main road from Kundrathur leading the Pallavaram. It is submitted that on the right side of the aforesaid Road, the petitioner has encroached and constructed a home along with Car shed in an extent of 1000 sq.ft. It is submitted that since the said encroachment is in the main road of Kundrathur to Pallavaram, the 3rd respondent had initiated action for the removal of the same and an alleging the same, the present Writ Petition has been filed.

5. As regards the averments in paragraph 2 and



WEB COPY



3, it is submitted that the land in Survey No.4/1B in which the petition has created encroachment by way of home, etc. is classified as Thar Road (Bitumen Road) as per Village accounts, and the alleged sale deeds through which the petitioner claim to have acquired the property is not at all binding in the Government, since no possession is legally competent to sell the property whose right and title are vested with the Government along. It is also submitted that the Assignment order alleged to have been issued by the Tahsildar, Tiruvallur during November 1973 is rating suspicious since the village Kundrathur B earlier lie within the jurisdiction of Sriperumbudur Taluk, Kancheepuram District and as of now, lie within the jurisdiction Kundrathur Taluk, Kancheepuram District, and that being the fact, the Tahsildar, Tiruvallur, who was never the jurisdictional Tahsildar of Kundrathur Village would not have issued Assignment Patta for the land under encroachment by the petitioner and, as such, the claim of the petitioner that Assignment Patta was issued to the land by the Tahsildar, Tiruvallur in the year 1973 is purely false and frivolous.

6. As regards the averments, in paragraph 4 and 5, it is submitted that the petitioner is an encroacher of the Government poramboke land in S.No.4/1B classified as Thar Road (Bitumen Road) and as such, the encroachment made by her is liable to be evicted and the reason addressed by her to exempt her eviction are all not sustainable in laws.

7. As regards the averment, in Paragraph 6 to 9, it is submitted that the 3rd respondent is initiating



WEB COPY

WP No. 16071 of 2023



eviction process only in accordance with law, since the land encroached by her is lying in the main road leading from Kundrathur to Pallavaram, which warrant, the eviction of encroachment made by the Petitioner.”

3. It is clear from the above that the respondents have taken a stand that the petitioner has encroached upon the Government poramboke land and hence the eviction process shall take place only in accordance with the Land Encroachment Act.

4. Recording the stand taken by the 2nd respondent, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.

18-06-2025

gd

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



WP No. 16071 of 2023



To
WEB COPY

- 1.District Collector
Kanchipuram District, Kanchipuram -
631501.
- 2.Tahsildar,
Kundrathur taluk, Kunrathur, Chennai -
600069.
- 3.Assistant Divisional Engineer(State
Highways),
Tambaram Division, Chennai - 600042.



WEB COPY

WP No. 16071 of 2023



N.ANAND VENKATESH J.

gd

WP No. 16071 of 2023

18-06-2025