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W.P.No.30479 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2025

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No. 30479 of 2024

and

W.M.P.No.33112 of 2024

Kanniyammal

... Petitioner

Vs.

1. Superintendent of Police,
Tiruvannamalai District,
Tiruvannamalai – 606 604.
2. Deputy Superintendent of Police,
Vengikkal, Tiruvannamalai – 606 604.
3. Inspector of Police,
Kilpennathur Police Station,
Kilpennathur,
Tiruvannamalai – 604 601.
4. Block Development Officer,
Kilpennathur Panchayat Union,
Tiruvannamalai District – 606 604.

5. E.Selvam
6. P.Vadivelu
7. R.Annamalai
8. P.Samundi

... Respondents

(R5 to R8 are impleaded as per order
dated 12.12.2024 in W.M.P.No.35988 of 2024
in W.P.No.30479 of 2024)



W.P.No.30479 of 2024

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a writ of mandamus directing the respondents 1 to 3 to consider the petitioners' representation dated 24.08.2024 and grant police protection to construct the petitioner's house at S.No.22/8, Door No.168, Pananthoppu, Sevarapoondi Village, Kilpennathur Taluk, Tiruvannamalai District – 604 601 as per the PMAY-G Scheme sanction order dated 22.03.2024.

For Petitioner : Mr.J.Saravana Vel

For Respondents : Mr.S.Sugendran
Additional Public Prosecutor
for R1 to R4
Mr.E.Sathiyaraj
for R5 to R8

ORDER

This Writ Petition is filed for issuance of a Writ of Mandamus to direct respondents 1 to 3 to consider the petitioner's representation dated 24.08.2024 and grant police protection to construct the petitioner's house at S.No.22/8, Door No.168, Pananthoppu, Sevarapoondi Village, Kilpennathur Taluk, Tiruvannamalai District – 604 601 as per the PMAY-G Scheme sanction order dated 22.03.2024.



W.P.No.30479 of 2024

2. Learned counsel for the petitioner submitted that the land situate at S.No.22/8, Door No.168, Pananthoppu, Sevarapoondi Village, Kilpennathur Taluk, Tiruvannamalai District – 604 601 measuring an extent of 0.3 cents, is a natham proromboke land and patta was granted in the name of the petitioner's late husband Rajendran. The petitioner along with her sons are residing in the said land for more than 30 years in a tiled hut. While that being so, the petitioner was selected as a beneficiary under the Prime Ministers Rural Housing Scheme (PMAY-G) for constructing RCC roof house and a sanction order dated 23.02.2024 was issued in the name of the petitioner's daughter-in-law. When they started to construct RCC roof house, the private respondents 5 to 8 herein are interfered with the said construction and prevented the commencement of construction work. Hence the petitioner has given a complaint dated 23.03.2024 to the third respondent-Police and they issued C.S.R.No.164 of 2024 but they did not take any further action. Thereafter, the petitioner has given a complaint to the fourth respondent-Block Development Officer, Tiruvannamalai on 27.03.2024. The fourth respondent-Block Development Officer, with the help of Tahsildar, Surveyor and Village Administrative Officer had surveyed and measured the property in



W.P.No.30479 of 2024

question in the presence of villagers and boundary stones were fixed.

Though the private respondents were continuously threatening the petitioner to construct the house, she has given a representation to the Deputy Inspector General, Vellore and also National Scheduled Castes Commission at Delhi and Chennai. Thereafter, the National Commission issued a notice to the first respondent-District Collector herein, who in turn, called for action taken report from the official respondents. Since there was no response from the authorities concerned, the present petition is filed.

3. Learned counsel for respondents 5 to 8 referring to the counter affidavit of 7th respondent submitted that the land measuring to an extent of 0.58 cents in Old S.No.14/5, New S.No.22/4 situate at Sevarapoondi Village, Kilpennathur Taluk, Tiruvannamalai District – 604 601 originally belongs to father of 7th respondent - Raji Gounder, who in turn purchased the said land from one Parasurama Gounder through a registered sale deed and he was under possession and enjoyment of the said land. While that being so, the revenue authorities without any prior notice to original land owner, out of 0.58 cents they issued patta *vide* patta No.229 in favour of petitioner to an extent of 0.3 cents and patta



W.P.No.30479 of 2024

No.251 to one Chandran. 7th respondent had issued with patta to an extent of 0.50 cents only. It is further stated that the petitioner, who had obtained fraudulent Patta, is trying to construct the house in the said land and hence, 7th respondent, filed a suit in O.S.Sr.No.2 of 2025 before the District Munsif Court, Kilpennathur for declaration, delivery of possession and mandatory injunction. It is further stated that when the civil suit is pending before the competent Civil Court, the prayer sought for in this writ petition is not maintainable.

4. When the matter was taken up for hearing on 23.01.2025, this Court directed the fourth respondent herein to conduct survey in S.Nos.22/8 and 22/4 situate at Sevarapoondi Village, Kilpennathur Taluk, Tiruvannamalai District. As per the directions of this Court, the fourth respondent submitted a report dated 27.01.2025, stating that they conducted a survey in the land in dispute in the presence of the petitioner and private respondents and found that in revenue records S.No.22/8 measuring an extent of 0.3 cents was registered in the name of one Rajendran, who is the husband of the petitioner herein and Patta No.229 also stands in his name.



W.P.No.30479 of 2024

5. Considering the facts and circumstances and also considering the report of the fourth respondent, this Court is of the view that as per the revenue records, the land measuring an extent of 0.3 cents situate in S.No.22/8 at Sevarapoondi Village, Kilpennathur Taluk, Tiruvannamalai District stands in the name of the husband of the petitioner. Therefore, the respondents-Police are directed to give police protection to the petitioner to construct the house in the disputed land. Though it is contention of the 7th respondent that they have filed a civil suit to prove their title in the said land and the same is pending, the private respondents 5 to 8 are at liberty to work out their remedy before the competent Civil Court.

6. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs.

30.01.2025

Index: Yes/No

Speaking Order : Yes/No

Neutral Citation Case : Yes/No

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W.P.No.30479 of 2024

To

1. The Superintendent of Police,
Tiruvannamalai District,
Tiruvannamalai – 606 604.
2. The Deputy Superintendent of Police,
Vengikkal, Tiruvannamalai – 606 604.
3. The Inspector of Police,
Kilpennathur Police Station,
Kilpennathur,
Tiruvannamalai – 604 601.
4. The Block Development Officer,
Kilpennathur Panchayat Union,
Tiruvannamalai District – 606 604.
5. The Public Prosecutor,
High Court, Madras.



WEB COPY



W.P.No.30479 of 2024

P.VELMURUGAN, J

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W.P.No.30479 of 2024

30.01.2025