



W.P.No.37752 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2025

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.37752 of 2024
and WMP.Nos.40813 & 40815 of 2024

Ponnan

... Petitioner

Vs.

1. The District Collector
Collectorate Office,
Vengikkal,
Tiruvannamalai District.
2. The Additional Collector (Development)/
Project Director
District Rural Development Agency,
Tiruvannamalai district.
3. The Assistant Executive Engineer,
(Rural Development)
Aarani Sub Division
Aarani
Tiruvannamalai District.
4. The Assistant Engineer,
Panchayat Union,
Chetpet.
Tiruvannamalai District.



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5. The Block Development Officer,
Block Development Office,
Chetpet,
Tiruvannamalai District.

6. Shri Rishika Constructions
No.33, Bajanai Koil Street,
Peranampakkam Village
Chemmiyamangalam Post,
Chetpet Taluk,
Tiruvannamalai District.

7. The Panchayat President
Rantham Village,
Rep.by Shri Manivannan
S/o.Kanna Gounder
Polur Taluk, Tiruvannamalai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the work order in Na.Ka.No.Va.A3/251/2023 on 24.02.2024 and quash the same and to remove the construction constructed by 6th respondent and to provide the free ingress.

For Petitioner ... Mr.T.S.Sankar

For Respondents ... Mr.T.Chandrasekaran
Spl.Government Pleader
for R1 to R3
Mrs.R.Anitha
Special Government Pleader
for R5 & R7



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ORDER

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This writ petition has been filed for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the work order in Na.Ka.No.Va.A3/251/2023 on 24.02.2024 and quash the same and to remove the construction constructed by 6th respondent and to provide free ingress.

2. In the affidavit filed in support of the writ petition, it had been stated that the petitioner is residing at No.202 Pallivasal Street, Rantham Village, Chemmiyamangalam Post, Polut Taluk, Tiruvannamalai District. It had been stated that he had filed a suit against his own cousin in O.S.No.331 of 1993 and a judgment had been passed against the said defendant on 04.03.1994 and easmentory rights had been granted to the petitioner with respect to the usage of the Poramboke land. But a perusal of the judgment in O.S.No.331 of 1993 shows that it was a consent decree. The District Collector had remained exparte. The 5th respondent had issued a work order dated 24.02.2024 for construction of a bus shelter at the village without mentioning any place. It is contented that



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the 6th respondent is building the bus shelter blocking the entry into the land of the petitioner herein.

3. A counter affidavit had been filed by the Block Development Officer/5th respondent wherein he had stated that the petitioner is using Government Poramboke land in S.No.274/1 and that the bus shelter is constructed from the general fund of Chetpet Panchayat Union. It had also been stated that the Government land with necessary width of about 8 mts is available to the petitioner and the general public for the passage near the bus shelter. It had been stated that all vehicles including Tractor and Car can pass through this passage. It is also stated that this would not disturb agricultural activities of the petitioner and the general public and construction of bus shelter would benefit about 1000 Adi Dravidar habitants in the area. It had also been stated that the petitioner has encroached Government Poramboke land and is obstructing establishment of bus shelter which would be useful for the public. It had also been stated that the Tahsildar had personally inspected the land in S.No.274/1 and had confirmed that it is Government Poramboke land.



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4. In view of all these facts, the work order issued now cannot be interfered by this Court, but however, the petitioner may give a representation to the District Collector who may direct the Block Development Officer/5th respondent to examine

1. whether the petitioner is occupying Government Poramboke land

2. whether construction of the bus stop would prevent egress and ingress to the land of the petitioner.

5. If the construction would not obstruct the ingress and egress then the construction may proceed further.

6. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are also closed.

23.01.2025

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Index: yes/no

5/7



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