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W.P. No.16465 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:03.06.2026

CORAM:

THE HON'BLE MR. JUSTICE M. DHANDAPANI

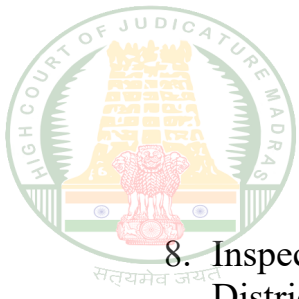
W.P. No.16465 of 2021

S.Jareena

..Petitioner(s)

Vs

1. The Secretary to Government of Tamil Nadu
Department of Municipal Administration Tamil
Nadu Secretariat Chennai 09.
2. The Director of Town Panchayats
Urban Administrative Building
No. 75, Santhome High Road R.A Puram
Chennai 28
3. The Collector
Thiruvallur District Collector Thiruvallur
Pin 6002 028
4. The Tahsildar
Taluk office Pallipattu Tiruvallur Distirct
Pin 631 207
5. The Executive Officer
Town Panchayat, Pallipattu Tiruvallur Distirct
Pin 631 207
6. The Assistant Director (Town Panchayats)
Thiruvallur Distirct Collectorate Tiruvallur
Pin 6002 001
7. The Junior Engineer
Public Works Department Office
Sholingar Road Pallipattu Tiruvallur District
Pin 631 207



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8. Inspector of Land Survey
District Land Survey Office Tiruvallur

9. K.Velu,
(R9-IMPLEADED AS PER ORDER DATED
14.10.2024 IN WMP.11487/2023

..Respondent(s)

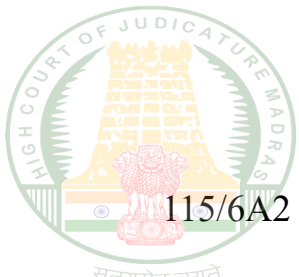
Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus forbearing the 4th & 7th respondents herein, their men agents, servants or any one claiming under them from in any manner interfering with the petitioners peaceful possession of petitioner private land bearing S.No. 115 / 6A1, S.No 115 /6A1, 6A2 and Old S.No. 115/11 (presently 115/6B4A1 based on the survey report furnished by the fourth respondent namely the Tashildar Pallipattu through proceedings bearing Na.Ka.969 / 2019 / B1 dated .03.2021

For Petitioner : Mr.M. Jaikumar

For Respondents : Mr.P. Siddarth
Government Counsel
for R1-R8
Mr.V.Jayaprakash Narayanan
for R9

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus forbearing the 4th and 7th respondents from interfering with her peaceful possession and enjoyment of the lands comprised in S.Nos.115/6A1,



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115/6A2 and old S.No.115/11 (presently S.No.115/6B4A1) situated at

Dalavoypattadai Village, Pallipattu Taluk, Tiruvallur District.

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2. According to the petitioner, she is the absolute owner of the aforesaid lands. It is her case that her father had gifted a portion of land to the Pallipattu Town Panchayat for formation of a canal and that a neighbouring land owner, namely Sekar Babu, had gifted 8 cents of land for formation of a road leading to the burial ground and neighbouring villages. However, without identifying the lands so gifted, the officials of the Town Panchayat allegedly trespassed into the petitioner's lands, dug a canal and laid a road over substantial portions of her private property.

3. It is further stated that as against the illegal action of the authorities, the petitioner had earlier filed W.P.No.5160 of 2018 seeking a direction to survey the property and identify the encroachments. The said writ petition was allowed directing the 2nd and 3rd respondents therein to conduct a survey.

4. It is the grievance of the petitioner that instead of complying with the said direction, the authorities proceeded to construct the canal and road.



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Aggrieved thereby, the petitioner filed W.P.No.23238 of 2018 and thereafter

W.P.No.28377 of 2019 seeking appropriate reliefs. Overall, the respondents proceeded with the construction without acquiring the petitioner's lands and without following due process of law. Hence, the present writ petition has been filed.

5. Learned counsel for the petitioner further relied upon the report submitted by the District Collector before this Court on 31.03.2023 and contended that the District Administration itself has categorically admitted that portions of the petitioner's lands had been occupied for formation of the road and canal. He further pointed out that the Revenue Department assessed compensation at Rs.11,94,600/- for an extent of 660 sq. metres. He also stated that the petitioner has not received any compensation and further stated that the 9th respondent is colluding with the revenue officials and occupied certain lands. In the light of the above, he prayed for suitable directions in the present issue.

6. Per contra, learned counsel appearing for the 9th respondent submitted that the 9th respondent is the owner of the adjacent property by virtue of a registered sale deed bearing Document No.676 of 1987 on the file of the SRO,



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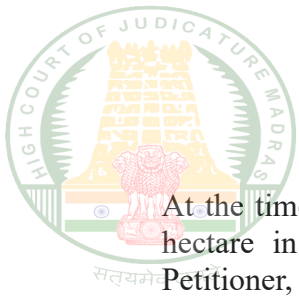
Pallipattu and that there are disputed questions relating to title and boundary.

Hence, the petitioner may be directed to work out her remedy before the competent Civil Court. Therefore, this Court may issue appropriate directions in the above regard.

7. Learned Government Counsel appearing for the official respondents drew the attention of this Court to the report filed by the 3rd respondent dated 31.03.2023 and submitted that pursuant to directions issued by this Court in earlier writ petition viz., W.P. No.23238 of 2018, surveys were conducted by the Revenue Authorities. It is the admitted position that the certain portion of the petitioner's land was utilised for the purpose of laying road and therefore, a compensation at Rs.11,94,600/- was determined by the 3rd respondent. He further submitted that appropriate orders may be issued taking into consideration the findings recorded, particularly para 3 to 9 therein, wherein, in the said report, the 3rd respondent / District Collector has submitted thus :-

3. It is submitted that the 4th Respondent had filed a Report dated 12.12.2018, in compliance of the Order made in W.P.No.23238/2018 of this Hon'ble Court contending that:

"The lands comprised in S.No.115/6A1 measuring 0.19.0 Hectare and an extent of 0.13.5 Hectares in S.No. 115/6A2 of Dalavaipattadai Village stand registered in the name of Tmt. Jarina Bee, W/o. S.I. Eusuff, under Patta No.892, in the Revenue Accounts. These lands are classified as Wet lands. Similarly, the wet land comprised in S.No.115/6B4A1 measuring an extent of 0.13.5 Hectare stands registered in the name of Gopal and 2 others jointly under Patta No.832.



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At the time of inspection it is seen in an extent of 0.02.0 hectare of wet land out of 0.19.0 hectare in S No.115/6A1 a drainage canal is existing (2084.5) belonging to the Writ Petitioner, Tmt.Jarina Bee, W/o. S.I. Eusuff, on the Western side of the above land. On the southern side of the above land in S.No.115/6A1, a Metal Road is existing in an extent of 155 Sq. M., out of 0.19.0 Hectares and in S.No.115/6A2 in an extent of 138 Sq. M., out of 0.13.5 Hectares (altogether 293 Sq. M.) which belongs to the Writ Petitioner, Smt. Jarina Bee, W/o. Eusuff, under Patta No 892. The existing road is leading to Veliagaram Village from Pallipat Bus Stand which is under usage".

4. It is submitted that this Hon'ble Court vide Order dated 09.08.2021 had directed that:

"... the 5th Respondent is directed to immediately act upon the communication made by the Tahsildhar on 23.06.2021 and remove the road that has been laid over the private property of the petitioner and which has been identified in the communication dated 23.06.2021 ...".

5. It is submitted that during the joint inspections by Revenue Department and the 5th Respondent held on 17.08.2021 and 28.08.2021 it has been found that the Thar Road is in existence to an extent of 60 Sq. M. in S.No.115/6A1; 115 Sq. M. in S.No.115/6A2; 150 Sq. M. in Sub-Division Survey No.115/18, O.S.No.115/11; totalling 325 Sq. M.; and Water Channel is in existence to an extent of 335 Sq. M. in S.No.115/6A1.

6. It is submitted that this Hon'ble Court vide Order dated 01.09.2021 had directed that:

"4... there shall be a direction to the District Collector, Tiruvallur, to conduct an enquiry by calling the Petitioner and the 5th Respondent and determine the compensation amount payable to the Petitioner. A report shall be submitted before this Court by the District Collector and based on the same, final orders will be passed by this Court".

7. It is submitted that on 21.09.2021 the Revenue Department has arrived at Rs.11,94,600/- for 660 Sq. M. of land based on the existing Guideline Value of the locality.

8. It is submitted that this Hon'ble Court vide Order dated 20.10.2021 had directed that:

"... the District Collector has already issued notice to the parties and the enquiry has been fixed on 27.10.2021. The learned Counsel for Petitioner submitted that the notice was also received by the Petitioner.

2. In view of the above development, the Petitioner shall participate in the enquiry and the District Collector shall proceed further with the enquiry and file a report before this Court".

9. It is submitted that in compliance of the aforesaid Orders of this Hon'ble Court, on 27.10.2021 & 16.11.2021 personal enquiry was conducted by the 3rd Respondent with the Petitioner, the 4th & 5th Respondents and other Officials. The Petitioner submitted her Written Submission dated 27.10.2021. whereby the Petitioner had sought for handing over to her the lands wherein the road and the Water Channel had been re-laid or in the alternative to allot to her the land gifted by one, M.Sekar Babu and that she was not interested in getting compensation.



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8. Heard the rival submissions made by learned counsel on either side and perused the materials placed on record, particularly the report submitted by the 3rd respondent.

9. A perusal of the report filed by the 3rd respondent, reveals that portions of the petitioner's lands have been utilized for laying a road and forming a canal. The report further discloses that an extent of about 660 sq. metres of land has been occupied and that the Revenue Department assessed compensation at Rs.11,94,600/- based on the guideline value prevailing in the locality. Further it is clear that without any acquisition proceedings, the road and canal have been formed in the petitioner's lands, in short, without following due process of law .

10. At the same time, it is seen that the road and canal have been in existence for several years and are being utilized by the public. The report of the 3rd respondent also discloses that the road and canal serve public purposes. In order to strike a balance between the petitioner and the interest of public at large, this Court is of the view that compensation at a higher rate has to be fixed more so when the compensation has been fixed without following due process



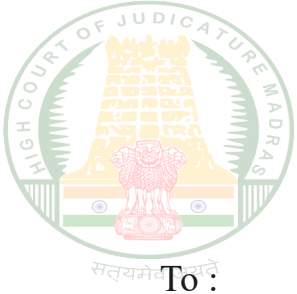
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of law. Further this Court has also taken into account, the extent of petitioner's land utilized, and several legal battles faced by the petitioner on this issue and, therefore, this Court is inclined to fix a compensation of Rs.50,00,000/- (Rupees fifty lakhs only), which shall be payable by respondents 3 to 6 jointly and severally to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order. Failing which, the petitioner would be entitled to interest @ 6% p.a. from the date when the compensation was arrived at as being payable to the petitioner for the lands, which has been utilised, till the date of payment. This Court makes it clear that if the 9th respondent encroached any of the lands pertaining to the petitioner or Town Panchayat, liberty is granted to the petitioner to work out her remedy in the manner known to law.

11. With the above directions, the writ petition stands disposed of. No costs.

03.06.2026

Index : Yes / No
Speaking Order / Non-speaking order
Neutral Citation Case : Yes / No
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To :

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Department of Municipal Administration Tamil Nadu Secretariat Chennai
09.

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M. DHANDAPANI, J.

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