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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-10-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE R.RAJESH VIVEKANANTHAN

WP No. 43724 of 2026

CNR: {HCMA013020782025}

Manonmani ..Petitioner(s)

Vs

1. The District Collector
   District Collector office,
   Thiruvallur, Thiruvallur District.

2. The Engineering Director
   The Tamilnadu Water Supply and Drainage
   Board (TWAD)
   Chennai-5

3. The Administrative Engineer
   The Tamilnadu Water Supply and Drainage
   Board (TWAD),
   Vialage Water Planning Divison,
   Thiruvallur, Thiruvallur District.

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India issuing writ of certiorarified mandamus to call for records in the order Na.Ka.No.3637695/ 2025/Aa3 dated 14.08.2025 passed by the 1st respondent and quash the same Consequently directing the respondent s to demolish the buildings constructed at old survey No.42 new Survey No.55/2 to the extent of 40 cents of land at Periyakavanam Village, Ponneri Taluk, Thiruvallur District and vacate the premises subsequently hand over the same to the petitioner.

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For Petitioner(s): Mr.T. Ganesan

For Respondent(s): Mr.K.Surender
Special Government Pleader For R -1
Mr.S. Andandh
Standing Counsel for R, 2,3

ORDER

(Order of the Court was made by S.M.Subramaniam J.)

The present writ petition has been instituted challenging the order of the District Collector, Thiruvallur dated 14.08.2025.

2. In pursuance to the directions issued by this Court, appeal preferred by the petitioner was taken up for adjudication by the District Collector. Petitioner claims ownership in respect of the subject property in Old Survey No. 42, New Survey No. 55/2 to an extent of 40 cents in the land of total extent of 4.05 acres.

3. Learned counsel for the petitioner would submit that subject land vests with the petitioner based on the partition suit in O.S. No. 36 of 1946. Preliminary decree was passed on 17.12.1950 and the final decree was passed on 27.02.1950. Possession was taken by the grandfather of the petitioner in E.P. No. 40 of 1952. The entire extent of 4.05 acres are owned by the ancestors of the grand father of the

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petitioner. Setting the facts like this, petitioner contends that he is the absolute owner of the property.

4. Learned counsel for the petitioner would submit that District Collector has not considered the documents including the Civil Court decree produced by the petitioner. He has erroneously formed an opinion that the land has been classified as "Anatheenam", and based on the said classification, a sewerage treatment plant has been constructed for the benefit of the people residing in that locality. Thus, the order of the District Collector is to be set aside.

5. Learned Special Government Pleader appearing for the 1st respondent would oppose by stating that subject land was classified as "Anatheenam" in the settlement A- register long before. The revenue records were verified by the District Collector during enquiry and that apart, Government has not been included as a party in the suit. It is only a partition suit instituted between the family members, which would not be the basis for claiming title or ownership of the property. The property belongs to Government, and Government has already constructed a sewerage treatment plant for the benefit of the people residing in that locality and the plant is in operation for several years. Therefore, claim set out by the petitioner is stale and deserves to be rejected.

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6. Learned counsel appearing on behalf of respondents 2 and 3 would also reiterate that Collector, during the course of enquiry, verified the nature of the entries made in the revenue register and found that subject land has been classified as “Anatheenam”. More so, the land is in public use and the sewerage treatment plant constructed is functional. That being so, the writ petition is devoid of merits.

7. This Court has considered the rival submissions made between the parties to the lis on hand.

8. Except the partition suit decree, petitioner has not produced any acceptable document to show that he is the owner of the property. Even if any such document has been produced in a writ petition, the same cannot be adjudicated, since the disputes relating to civil rights are to be adjudicated before the competent Civil Court of law. Partition suit has been instituted between the family members. Therefore, the said decree was rightly not considered by the District Collector. District Collector during the course of enquiry verified the revenue documents and made a finding as follows:

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செட்டில் மெண்ட் "அ" பதிவேட்டின் படி

வ. எண்.	புல எண்	வகைபாடு	விஸ்தீரணம் (ஏக்கர்)	குறிப்பு
1.	55/2	சபுற	4.05	அனாதீனம்

நில உடைமைப்பதிவு மேம்பாட்டுத்திட்ட "அ" பதிவேட்டின் படி

புல எண்	வகைபாடு	விஸ்தீரணம் (ஹெக்டேர்)	குறிப்பு
55/2	சபுற	1.63.50	அனாதீனம்

கணினி "அ" பதிவேட்டில் பின்வருமாறு பதிவாகி உள்ளது.

புல எண்	வகைபாடு	விஸ்தீரணம் (ஹெக்டேர்)	குறிப்பு
55/2	சபுற	1.02.80	அனாதீனம்
55/3	சபுற	0.60.70	கழிவுநீர் சுத்திகரிப்பு நிலையம் பொன்னேரி பேரூராட்சி

9. That apart, sewerage treatment plant has already been constructed and is functioning for the benefit of the people residing in that locality for several years. Thus, removal of the said plant would not arise at all.

10. District Collector also recorded the fact that petitioner has not produced any document to establish his title/ownership, except the partition decree obtained between the family members. On the said ground, District Collector rejected the appeal through impunged proceedings dated 14.08.2025.

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11. Petitioner has not produced any acceptable document or evidence to establish the civil right in respect of the subject property. Thus, District Collector verified the revenue documents and found that subject property is classified as "Anatheenam". If at all, petitioner claims any title/ownership in respect of the subject property, he has to establish the same in the manner known to law by approaching the competent Court. However, District Collector conducted an adjudication with reference to the classification and nature of the land and made a finding based on the revenue records that subject land is classified as “Anatheenam”, and more so a public project, namely a sewerage treatment plant was constructed long before and is functioning for the benefit of the people residing in that locality.

12. This being the finding, this Court does not find any acceptable reason for entertaining the writ petition. Accordingly, the writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.

(S.M.S.,J.) (R.R.V.,J.)
29-10-2026

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

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