

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2015

CORAM

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.A.No.667 of 2015
and
M.P.Nos.1 to 3 of 2015

T.Rajendran

.. Appellant/Petitioner

Vs.

- 1.Government of Tamilnadu,
rep by its Secretary to Government,
Municipal Administration and
Water Supply Department,
Fort St. George,
Chennai-600 009.
- 2.The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Park Town,
Chennai-600 003.
- 3.The Zonal Officer, Zone No.15,
Corporation of Chennai,
Sholinganallur,
Chennai-600 119.

.. Respondents /Respondents

This writ appeal is preferred under Clause 15 of the Letters Patent against the order of this court dated 31.03.2015 made in W.P.No.9390 of 2015.

presented under Article 226 of the Constitution of India praying for the issuance of Writ of Prohibition prohibiting the respondents or their men, servants, agents, nominees, assignees, administrators, successor(s)-in-office, its contractor (s) or any other public person (s) claiming through them either directly or indirectly from trespassing into the writ petitioner's land which is more particularly described in the schedule - b to the writ petition and washed in rose colour in the rough plan attached with the writ petition for any purpose to construct drainage lines, to lay thaar road works or for any other purpose.

For Appellant : Mr.M.S.Mani

For Respondents : Mr.P.S.Sivashanmugasundaram, Spl.G.P.
For R-1
Mrs.Karthikaa Ashok for RR2 and 3

JUDGMENT

(Judgment of the Court was made by SATISH K. AGNIHOTRI, J.)

Seeking a writ or direction restraining the respondents from interfering with the possession of the land as described in Schedule-B, i.e., entire private road of an extent of 0.17 cents approximately and washed with rose colour in the rough plan attached with the writ petition from and out of schedule-A, total extent of acre 3.55 cents situated in Karapakkam village No.147, comprised in S.Nos.123/6, 123/7 and 123/8, the writ petitioner / appellant herein has come up with the writ petition.

2 The learned Single Judge, examining the entire facts from all angles, held that for eviction from the alleged encroachment by the petitioner, the petitioner will be afforded an opportunity of hearing to place his case. Thereafter, consequential action shall be taken, if on inspection and enquiry it is found that the possession of the petitioner was in the nature of encroachment and the petitioner has no right and title over the land. A direction was issued to complete this exercise within a period of three weeks from the date of receipt of copy of the impugned order dated 31.3.2015.

3 Feeling aggrieved, the petitioner has come up with this appeal, stating that the petitioner is in possession of documents, patta, which would clearly indicate that the petitioner is in possession as lawful owner. There is no encroachment of the land described in Schedule-B.

4. At this stage, when the appellant has been given an opportunity to place all the documents before the authorities and the authorities have been directed not to remove the encroachment or to dispossess the petitioner till final decision is taken on consideration of the case made out by the petitioner, no adjudication is required. In that view of the matter, we are not inclined to interfere with the order, which is unobjectionable, just and proper.

5 Resultantly, the writ appeal is dismissed. No costs. However, we make it clear that while considering the documents and other evidences filed by the writ petitioner / appellant, the authorities shall advert to each and every point raised by the appellant and also pass a reasoned order. Till the final order is

passed, status quo as directed by the writ court shall be maintained.
Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

vvk

To

- 1.The Secretary to Government,
Government of Tamilnadu,
Municipal Administration and
Water Supply Department,
Fort St. George,
Chennai-600 009.
- 2.The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Park Town, Chennai-600 003.
- 3.The Zonal Officer, Zone No.15,
Corporation of Chennai,
Sholinganallur,
Chennai-600 119.

- 1 cc to Mrs.Karthikaa Ashok, Advocate Sr.No.30267
1 cc to Mr.M.S.Mani, Advocate Sr.No.30189
1 cc to Government Pleader.Sr.No.30428

W.A.No.667 of 2015

tej(co)
pmk.26.6.2015

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