

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2015

CORAM:

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

W.A. No.700 of 2015 and M.P. No.1 of 2015

1	M.A. Mohideen Basha	
2	M.A. Sikander Basha	Appellants
	vs.	
1	The District Collector Collector Office Thiruvallur	
2	The Assistant Director Town Panchayat Collector Office Thiruvallur	
3	The Executive Officer Town Panchayat Red Hills, Chennai 600 052	Respondents

Writ Appeal filed under Clause 15 of the Letters Patent challenging the order dated 13.03.2015 passed in W.P. No.7171 of 2015.

For petitioner Mr. J. Jyothi
 for M/s.J.Nandagopal

For respondents Mr. P.S. Sivashanmugasundaram
 Special Government Pleader

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JUDGMENT

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

The instant intra-Court appeal arises from the order dated 13.03.2015 passed in W.P. No.7171 of 2015.

2 The appellants, seeking a writ of mandamus forbearing the third respondent, his men, agent, successor or any other person claiming right through him, from interfering with the peaceful possession and enjoyment over their house and land to an extent of 3,650 sq. ft. situated at Village Natham Survey No.84/1A, New Survey No.84/1A1, No.23, Naravari Kuppam Village, Subramaniya Bharathiyar Street and Thiruvallur Street, Red Hills, Chennai 600 052, except following due process of law, had come up with the instant writ petition.

3 The learned Single Judge, on consideration of all aspects of the matter and the claim of the appellants herein that easy access to Subramanya Bharathiyar Street from their house may be blocked, if any construction is put up in the vacant land, has observed that vacant land was not the property of the appellants and as such, a direction was issued by the learned Single Judge to the

second respondent to consider the appellants' representation dated 02.03.2015, on merits and take appropriate steps in accordance with law, only to an extent of consideration of their problem to approach the road. It was further observed that the appellants cannot claim any vested right that the vacant land cannot be used for public purpose.

4 The learned counsel for the appellants would submit that the finding recorded by the learned Single Judge that the vacant land does not belong to the appellants may not be correct. Thus, the second respondent be directed to consider the appellants' representation without any restriction on any issue.

5 We have heard the learned counsel for the parties and perused the pleadings and documents appended thereto.

6 The case of the appellants that the vacant land cannot be used for public purpose requires to be examined by the authorities while considering their representation. Their representation indicates their full case which has to be examined by the authorities in accordance with law and on its own merits. The contention of the appellants that since the vacant land is used for the purpose of access and as such, it cannot be used for public purpose, had rightly been

negated, we do not find any merit in the contention of the appellants to constrain us for taking a different view.

7 Accordingly, the appeal, sans merit, stands dismissed.
Consequently, connected Miscellaneous Petition is closed.

(S.K.A.J.) (M.V.J.)
02.06.2015

cad
Index:Yes/No

To

- 1 The District Collector
Collector Office
Thiruvallur
- 2 The Assistant Director
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Thiruvallur
- 3 The Executive Officer
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Red Hills, Chennai 600 052

SATISH K. AGNIHOTRI, J.

and

M.VENUGOPAL, J.

cad

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