

In the High Court of Judicature at Madras

Dated: 31.07.2015

Coram:

The Honourable Mr. SANJAY KISHAN KAUL, Chief Justice
and

The Honourable Mr. Justice T.S.SIVAGNANAM

Writ Petition No. 11893 of 2015

S. Hendry Charles

.. Petitioner

vs.

1. The Commissioner
Corporation of Chennai
Rippon Building
Chennai 600 003.

2. The District Collector
Chennai District
Rajaji Salai, Chennai 600001.

3. The Tahsildar
Velachery Taluk
Tharamani, Chennai 600 113.

4. Mrs. Parvathy Jothi

5. Mr.Jothi @ Jotheeswaran

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing respondents 1 to 3 to remove encroachment in Old S.No.18/1, T.S.No.21, Plot No.23, measuring about 552 sq. ft. lying at Barathiyar Street, Tharamani, Chennai Corporation Zone - XIII, Ward 180, Chennai 600 113.

For Petitioner : Mr. V. Arun
For Respondents : Mr. S.T.S. Murthi
Govt. Pleader for R2 & R3
Mr. K. Soundararajan for R1
Mr. P. Chandrasekaran for R4
Mr. C. Johnson for R5

O R D E R

(Made by The Hon'ble The Chief Justice)

On hearing the learned counsel for the parties, it emerges that respondents 4 and 5 are occupying gramamatham land and the case of respondents 2 and 3 is that no enquiry is required to be carried out under the Tamil Nadu Land Encroachment Act. Learned counsel for respondents 4 and 5 states that no patta has been issued to them. Learned Government Pleader for respondents 2 and 3 also states that there is no proposal to issue pattas to respondents 4 and 5. Learned counsel for the petitioner claims to the contrary.

2. The aforesaid matter is really in the nature of a private lis between the petitioner on the one hand and respondents 4 and 5 on the other and thus, any further enquiry in this matter, apart from the aforesaid, would require evidence to be led. Therefore, we are of the view that the present public interest litigation is liable to be closed. If any civil remedy is available to the petitioner, he is free to avail of the same. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

atr

Copies to;

1. The Commissioner
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- +1 cc to the Government Pleader sr.39426
+1 cc to Mr.V.Arun, Advocate sr.39349
+1 cc to Mr.K.Soundarajan, Advocate sr.39236
+1 cc to Mr.C.Johnson, Advocate sr.39339

W.P. No. 11893 of 2015

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