

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2015

CORAM:

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

W.P. No.12134 of 2015 and M.P. No.1 of 2015

S. Arumugam

Petitioner

vs.

1 The Deputy Director
Zonal Town and Country Planning
Chengalpattu Zone
124, G.S.T. Road, Chengalpattu - 1

2 The Member Secretary
Mamallapuram Local Planning Body
13, Varadarasanar Street
Vedachalam Nagar
Chengalpattu - 1

3 The Block Development Officer
Thiruporur Panchayat Union
Thiruporur
Kancheepuram District 603 110

4 The President
Ponmar Panchayat
Ponmar
Chennai 600 127
Kancheepuram District

5 S. Natarajan

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 4 to demolish the unauthorised construction of shops being put up by the fifth respondent in the land comprised in Old Survey No.419/1A6, New Survey Nos.419/10 and 419/11 bearing Door No.1/4A, Mettu Street, Ponmar, Chennai - 600 127.

For petitioner Mr. R. Natarajan

For RR 1-3

Mr. N. Sakthivel, Government Advocate

ORDER

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

Mr. N. Sakthivel, learned Government Advocate, takes notice for respondents 1 to 3. With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal at the admission stage itself.

2 This writ petition is filed seeking a writ of mandamus directing the respondents 1 to 4 to demolish the unauthorised construction of shops being put up by the fifth respondent in the land comprised in Old Survey No.419/1A6, New Survey Nos.419/10 and 419/11 bearing Door No.1/4A, Mettu Street, Ponmar, Chennai - 600 127.

3 The dispute involved herein is that the land which belongs to the petitioner as well as to the fifth respondent has not been properly partitioned. Despite that, the fifth respondent has started unauthorised construction in the disputed land, trespassing into the petitioner's area.

4 This is purely a dispute of civil nature, wherein, disputed facts in respect of ownership of land is involved. The question as to whether the petitioner and the fifth respondent can make unauthorised construction in the land belonging to other persons and also, whether the authorities can enter into the area of others for removal of unauthorised construction made by some other persons, has to be examined by the authorities.

5 Let the authorities have a spot inspection and verify if the encroachment is on the others' land. The authorities may not make trespass and take necessary steps. In that event, the only remedy available is taking recourse to the competent jurisdictional Civil Court for appropriate relief.

6 The writ petition stands disposed of with the aforesaid observation. No costs. Connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

cad

To

- 1 The Deputy Director
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Thiruporur
Kancheepuram District 603 110
 - 4 The President
Ponmar Panchayat
Ponmar
Chennai 600 127, Kancheepuram District
- + 1 cc to Mr.R. Natarajan, Advocate SR.22461
- + 1 cc Government Pleader Sr.22922

SCD(CO)
Eu 13.05.15

W.P. No.12134 of 2015

सत्यमेव जयते

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