

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.12172 of 2015

and

M.P. No.1 of 2015

V. Muralidaran

...Petitioner

vs.

1 The Corporation of Chennai  
represented by its Commissioner  
Ripon Building  
Chennai 600 003

2 The District Collector  
Chennai District  
Singaravelar Maligai  
Kamarajar Salai  
Chennai 600 001

...Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus forbearing the respondents and their subordinates or any other officials tracing power under them from in any way and in any manner interfering with or disturbing the petitioner's peaceful possession and enjoyment over the property situated in Door No.167, Paper Mills Road, Peravallur, Chennai 600 082, without due process of law.

For petitioner : Mr. R. Neelakandan

For R1 : Ms. Karthikaa Ashok

For R2 : Mr. N. Sakthivel, Government Advocate

ORDER

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

Ms. Karthikaa Ashok, learned Standing Counsel, takes notice for the first respondent. Mr. N. Sakthivel, learned Government Advocate, takes notice for the second respondent. With the consent of the learned counsel on either side, the writ petition is taken up for final disposal at the admission state itself.

2 This writ petition is filed seeking a writ of mandamus forbearing the respondents and their subordinates or any other officials tracing power under them, from interfering with or disturbing the petitioner's peaceful possession and enjoyment over the property situated in Door No.167, Paper Mills Road, Peravallur, Chennai 600 082, without due process of law.

3 The case of the petitioner is that he is in possession of the premises in question for more than three decades, based on a lease granted in his favour by one V. Dwarakanathan. Albeit there is no deviation or violation or encroachment upon the public road in the construction of the premises in question, he has been informed by the authorities that the premises in question would be demolished. Hence, the petitioner has addressed a representation dated 21.04.2015 to the respondents seeking deferment of removal process till a proper survey is made by the authorities and the said representation is pending consideration.

4 The learned Government Advocate appearing for the second respondents submits that only after due survey of the area in question in the presence of the petitioner, the encroachment will be removed.

5 Having regard to the facts and circumstances of the case, we direct the authorities to survey the area in question in the presence of the petitioner and pass orders on his representation dated 21.04.2015 on merits and in accordance with law, after giving an opportunity of hearing to all the parties concerned. Needless to state that each and every submission averred by the petitioner in his representation is to be adverted to and a reasoned order is required to be passed. The entire exercise shall be carried out within a period of eight weeks from the date of receipt of a copy of this order.

6 With the above direction and observation, this writ petition stands disposed of. No costs. Connected Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

cad

To

1 The Commissioner  
The Corporation of Chennai  
Ripon Building  
Chennai 600 003

2 The District Collector  
Chennai District  
Singaravelar Maligai  
Kamarajar Salai  
Chennai 600 001

1 CC to Ms. Karthikaa Ashok, Advocate SR.No. 22677

1 CC to the Government Pleader, SR.No. 22916

सत्यमेव जयते

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KM (CO)  
PSI (08.05.2015)

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