

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.13191 of 2015

and

M.P.No.1 of 2015

K.Varadhan
S/o.Late Kuppan

... Petitioner

-Vs-

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. The Tahsildar,
Sriperumbudur Taluk,
Kancheepuram District.
3. The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai - 600 003.
4. The Assistant Engineer,
Metro Water Corporation,
No.156 Division,
Corporation of Chennai,
Padasalai Street,
Mugalivakkam,
Chennai - 600 125.
5. The Superintending Engineer,
(South West),
Chennai Water Board,
Pumping Station Road,
Chindadripet,
Chennai - 600 002.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus forbearing the respondents from evicting or interfering or disturbing with the peaceful possession and enjoyment of the petitioner's residential patta property situated at Survey No.67/5C and 67/7, No.1/954, Bharathiyar Salai, Kumutham Nagar Extension, Mugalivakkam, Chennai, to an extent of 79 cents of land except due process of law.

For Petitioner : Mr.A.Rajesh Kanna

For Respondents : Mr.R.Vijayakumar
Additional Government Pleader [R1 & R2]
Mr.P.V.Selvakumar [R3]
Mr.M.Jothikumar [R4 & R5]

O R D E R

By consent, the Writ Petition itself is taken up for final disposal.

2. Petitioner claims that his forefather was in possession and enjoyment of the property admeasuring an extent of 1 acre 14 cents in S.No.67/5C and 67/7, No.1/954, situated at Bharathiyar Salai, Kumutham Nagar Extension, Mugalivakkam, Chennai. Thereafter, the petitioner is in possession and enjoyment of the said property. The respondents 4 and 5, who have no right whatsoever in respect of the said property, attempted to put up a Over Head Tank and therefore, the petitioner submitted a representation dated 09.12.2014. Though the said representation is pending, the respondents 4 and 5 are taking emergent steps to put up construction and hence, the petitioner came up with the present writ petition.

3. Heard the submissions made by Mr.A.Rajesh Kanna, learned counsel for the petitioner, Mr.R.Vijayakumar, learned Additional Government Pleader, who accepts notice for respondents 1 and 2, Mr.P.V.Selvakumar, learned standing counsel, who accepts notice for third respondent and Mr.M.Jothikumar, learned standing counsel, who accepts notice for respondents 4 and 5.

4. Though the petitioner prayed for a larger relief, this Court, without going into the merits of the case projected by the petitioner, permits the petitioner to submit one more representation to the respondents 3 to 5 by enclosing a copy of the earlier representation dated 09.12.2014, within a period of two weeks from the date of receipt of a copy of this order and the fifth respondent

is directed to consider the said representation in accordance with law and pass orders within a period of four weeks thereafter and communicate the decision to the petitioner.

Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

gm

To

1. The District Collector,
Kancheepuram District, Kancheepuram.
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+1cc to Mr.M.V.Muralidaran, Advocate, S.R.No.24544
+1cc to the Government Pleader, S.R.No.24222

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SR(CO)
CA(14/05/2015)