

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2015

CORAM:

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

W.P. No. 14478 of 2015

P. Shankar

Petitioner

vs.

1 State of Tamil Nadu
Rep. by its District Collector,
Chennai District,
Singaravelar Maligai, Chennai-1.

2 The Managing Director,
Tamil Nadu Slum Clearance Board,
No.5 Kamarajar Salai Chennai-4.

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus forbearing the respondents their officials and subordinates from in any way interfering with the petitioner's peaceful possession and enjoyment of the premises bearing Door No.3, situated in Canal Bank Road, Kabali Thottam, Mylapore, Chennai-4 except by following the due process of law.

For petitioner : Mr. A. Sirajudeen

For respondents : Mr. P.S.Sivashanmugasundaram
Spl. Govt. Pleader -R1
Mr. B. Kesavan - R2

ORDER

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

With the consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2. In the instant petition, the petitioner seeks a direction to the authorities not to remove the petitioner from his peaceful possession and enjoyment of the premises bearing D.No.3,

Canal Bank Road, Kabali Thottam, Mylapore, Chennai-4, except by following due process of law.

3. Learned Special Government Pleader appearing for the first respondent, on instructions, submits that the petitioner does not reside in the said premises and as such, it is difficult to serve notice on him.

4. On a perusal of the pleadings, we find that the petitioner has made a representation on 02.05.2015 and the same was received by the second respondent on 04.05.2015. In view of the fact that the petitioner has already filed a representation, which is in the nature of an explanation and also placing his case before the authority, such representation shall be considered on merits and appropriate action shall be taken, if it is found that there is an encroachment on the river bed/canal. Such exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

5. This writ petition is disposed of with the above direction. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

ra

To

1 The District Collector,
State of Tamil Nadu
Chennai District,
Singaravelar Maligai, Chennai-1.

2 The Managing Director,
Tamil Nadu Slum Clearance Board,
No.5 Kamarajar Salai Chennai-4.

1 cc to M/s.A. Sirajudeen, Advocte, Sr. 27642
1 cc to Government Pleader, Sr. 27728
1 cc to Mr.B. Kesavan, Advocate, Sr. 27559

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SAI (CO)

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