

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE:02-06-2015

CORAM:

THE HONOURABLE MR. JUSTICE SATISH K. AGNIHOTRI

AND

THE HONOURABLE MR. JUSTICE M. VENUGOPAL

W.P.No.15230 of 2015

1 S.A.Geethalaksmi
D/o. M.S.Anandaraj
No.5 State Bank Colony
Perambur
Chennai-11. ...Petitioner

Vs

1 The Commissioner of Chennai
Corporation
Rippon Buildings
Chennai-3.

2 The Zonal Officer of Chennai
Corporation (VI-Zone)
No.5 Anderson Road
Aynavaram
Chennai-23.

3 The Assistant Engineer
Corporation of Chennai
70th Division
Aynavaram
Chennai-23.

4 C.Elumalai
S/o. D.Chinnathambi.

5 E.Chithra Manalan
S/o. C.Elumalai
Respondents 4th & 5th are
residing at No.5 Police Manickam Street
Aynavaram Chennai-23.

6 N.Sisubalan
S/o. Nadesan No.8/1 Bharathi Salai
Perambur Chennai-11.

..Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 3rd respondent to consider and dispose of the representation dated 03.04.2015 according to the law by this Honourable Court

For petitioner :: Mr. R. Ravindra Ram

For respondents :: Mr. S. Saravanan for RR1 to 3

ORDER

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

The petitioner, claiming to be the owner of the vacant land comprised in survey No. 2 measuring 2400 sq.ft., bearing plot No.3 situated at Kamaraj Street, Gandhi Nagar, Konnur Village, Kolathur, submits that the respondent Nos.4 and 5, who are the purchasers of the adjacent land are encroaching into the private property of the petitioner by way of construction and as such, a direction be issued to them to stop encroachment and further construction.

2. In fact, the petitioner is seeking a restraint order against private parties in respect of the alleged encroachment by the private parties on the disputed property of the petitioner. The dispute is purely of private nature and no public law element is involved and as such, no writ jurisdiction is available to the petitioner. The petition also involves disputed question of facts. Consequently, we are not inclined to entertain this petition in exercise of extraordinary writ jurisdiction. The petition is accordingly, dismissed. However, liberty is reserved to the petitioner to take recourse to competent jurisdictional civil court for appropriate relief, if so advised under provisions of law. No costs. The connected miscellaneous petitions are also dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

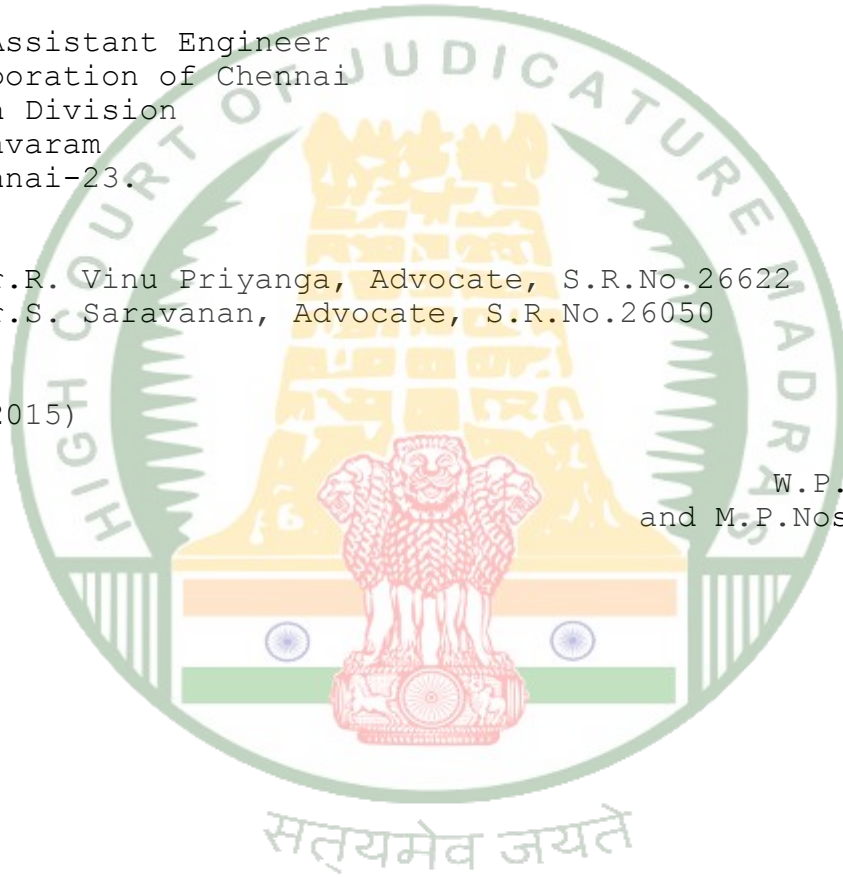
To

- 1 The Commissioner of Chennai Corporation
Rippon Buildings
Chennai-3.
- 2 The Zonal Officer of Chennai Corporation (VI-Zone)
No.5 Anderson Road
Aynavaram
Chennai-23.
- 3 The Assistant Engineer Corporation of Chennai
70th Division
Aynavaram
Chennai-23.

+1cc to Mr.R. Vinu Priyanga, Advocate, S.R.No.26622
+1cc to Mr.S. Saravanan, Advocate, S.R.No.26050

SK(CO)
EU(16/06/2015)

W.P.No.15230 of 2015
and M.P.Nos.1 and 2 of 2015



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