

IN T HE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2015

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MR.JUSTICE T.S.SIVAGNANAM

W.P. Nos.15297 and 15298 of 2015
and
M.P.Nos.1 and 1 of 2015

S.Bharath ...Petitioner in WP.15297/15
K.Paramasivam ...Petitioner in WP.15298/15

-vs-

1. The District Collector,
Thiruvallur District,
Thiruvallur.
 2. The Commissioner,
Avadi Municipality,
Avadi,
Chennai.
 3. The Tahsildar,
Ambattur Taluk,
Ambattur,
Chennai.
- ...Respondents in both WPs.

Petitions filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents to consider the petitioner's representation dated 06.05.2015 based on the recommendation made by the Village Administrative Officer and Revenue Inspector dated 22.09.2014 and forbear from dispossessing the petitioners without following due process of law pending disposal of the petitioners' representations dated 06.05.2015.

For Petitioners : Mr.N.Senthilkumar

For Respondent : Mr.S.T.S.Moorthy,
Govt. Pleader, assisted by
Mr.V.R.Kamalanathan, Addl.G.P.
for RR 1 and 3

Mr.P.Srinivas for R-2

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

These two petitions have been filed seeking disposal of the representation of the respective petitioners, which representations, in turn, are for grant of patta based on the recommendation made by the Village Administrative Officer and Revenue Inspector, in the year 2014 and till then to maintain status quo.

2.The facts, which now emerge is that a larger construction had been made without any building sanction and without any patta being granted. Under the garb of the status quo order granted by the Court in these petitions, the endeavour is really to frustrate the orders passed by the Division Bench in Writ Petition No.10369 of 2015.

3.The petitioners have indulged in acts over-reaching the proceedings of the Court and in a completely illegal and unauthorised manner made constructions.

4.The Collector, present in Court, states that pattas are given to people if they are eligible as being from the category of BPL. In the present case, even the photographs show a large pukka construction having been made without any authority.

5.The petitioners now state that they have demolished a part of the construction, which had encroached on the road. That is, of course, the second aspect as to how the petitioners encroached on the road.

6.The endeavour of the petitioners is to first construct and then seek regularisation on the basis that they may get the patta on the basis of the reports.

7.We cannot countenance such a situation and consider the petitions a gross abuse of process of Court and dismiss both the petitions with costs of Rs.10,000/- (Rupees ten thousand only) each to be deposited with the Tamil Nadu Mediation and Conciliation Centre, Madras High Court Campus, within fifteen days from today. Consequently, connected miscellaneous petitions also stand dismissed.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

sra

To

1. The District Collector,
Thiruvallur District,
Thiruvallur.
2. The Commissioner,
Avadi Municipality,
Avadi, Chennai.
3. The Tahsildar,
Ambattur Taluk,
Ambattur, Chennai.
4. The Assistant Registrar,
Tamil Nadu Mediation and Conciliation Centre,
Madras High Court Campus.

1 CC to Mr.N.Senthilkumar, Advocate SR.No. 49312

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W.P.Nos.15297 and 15298
of 2015

CTK (CO)
PSI (28.09.2015)