

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20-07-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.21508 of 2015

and

M.P.No.1 of 2015

Pakkiri

... Petitioner

vs.

1. The Collector
Cuddalore District, Cuddalore
2. The District Revenue Officer
Cuddalore District, Cuddalore
3. The Revenue Divisional Officer
Cuddalore
4. The Tahsildar, Cuddalore
5. The Commissioner
Cuddalore Municipality
Cuddalore

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus forbearing the respondents and their agents from demolishing the building of the petitioner in T.S.No.30, Main Nagar, Cuddalore, Cuddalore Taluk, Cuddalore District, except by due process of law and pending disposal of the Revision Petition dated 1.6.2015.

For Petitioner : Mr.R.Gururaj

For Respondents : Mr.R.Govindasamy
Additional Government Pleader
for RR1 to 4

Mr.K.Rajendraprasad for R5

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The grievance expressed by the petitioner, is that the joint patta granted to the petitioner as well as in the name of his wife, was cancelled by the third respondent vide order dated 30.4.2015, and challenging the legality of the said order, he filed an appeal before the second respondent and de hors the pendency of the appeal, attempts are being made to mutate the revenue records and demolish the superstructure put up by the petitioner, which, according to him, has been constructed strictly in accordance with the planning permission/approval, and in order to forbear the said act, he came forward to file this writ petition.

3.The Court heard the submissions of the learned Counsel appearing for the petitioner, Mr.R.Govindasamy, learned Additional Government Pleader, who accepted notice on behalf of the respondents 1 to 4, and Mr.K.Rajendraprasad, learned Counsel, who accepted notice on behalf of the fifth respondent.

4.Though the petitioner prayed for a larger relief, this Court, without going into the merits of the claim projected by the petitioner, permits the petitioner to file an application for stay before the second respondent within a period of two weeks from the date of receipt of a copy of this order, and the second respondent, on receipt of the same, is directed to consider it in accordance with law, after putting on notice, the person/s concerned, and pass orders within a period of three weeks thereafter, and till then, the petitioner as well as the respondents shall maintain status-quo in respect of the superstructure put up by the petitioner in T.S.No.30, Main Nagar, Cuddalore, Cuddalore Taluk, Cuddalore District. It is also made clear that in the interregnum, the petitioner shall not create any third party rights in respect of the property in question. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

nsv

To:

1. The Collector
Cuddalore District,
Cuddalore
2. The District Revenue Officer
Cuddalore District,
Cuddalore

3. The Revenue Divisional Officer
Cuddalore

4. The Tahsildar,
Cuddalore

5. The Commissioner
Cuddalore Municipality
Cuddalore

+lcc to Mr.R.Gururaj, Advocate, S.R.No.36618

+lcc to the Government Pleader, S.R.No.36686

W.P.No.21508 of 2015

KU(CO)
CA(21/07/2015)



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