

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28-07-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.22865 of 2015

and

M.P.No.1 of 2015

M.Velayutham

.. Petitioner

vs

1.The State of Tamil Nadu

Rep. By the District Collector

Kancheepuram District

Kancheepuram

2.Revenue Divisional Officer

Chengleput Taluk

Kancheepuram District

3.The Tahsildar

Chengleput Taluk

Kancheepuram District

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus forbearing the third respondent and it's subordinates from interfering with the possession of the petitioner's property situated at S.No.43A/143 Peramanur Village, Chengleput Taluk, Chengleput District, till the adjudication of the proceedings bearing Na.Ka.No.1637/2015/M dated 30.6.2015, on the file of the second respondent.

For Petitioner : Mr.K.Elangoo

For Respondents : Mr.R.A.S.Senthilvel
Additional Government Pleader

ORDER

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

2.The petitioner claims to have purchased the property admeasuring to an extent of 1,076 square feet, which, according to him, is classified as "Grama Natham", bearing Patta No.543, at Survey No.43A/143, Peramanur Village, Chengleput Taluk, through a registered sale deed bearing Document No.2835/2014, dated 13.6.2013. The petitioner would further state that he applied for planning and building permission and put up a superstructure and his property is also subjected to statutory levies and all of a sudden, the jurisdictional Village Administrative Officer started meddling with the petitioner's peaceful possession and enjoyment and in this connection, he submitted a representation dated 15.6.2015, to the first respondent bringing to his knowledge, the said fact, with a request not to interfere with his possession, unless and until a proper enquiry is conducted, and the first respondent, in turn, forwarded the said representation to the second respondent, who vide enquiry notice in Na.Ka.1637/2015 A dated 30.6.2015, has called upon the petitioner to appear for enquiry on 17.7.2015, at 11.00 A.M., along with necessary documents, and the petitioner accordingly, appeared before the first respondent and thereafter, nothing has been heard so far. The petitioner, aggrieved by the communication on the part of the second respondent, came forward to file this writ petition.

3.Mr.K.Elangoo, learned Counsel appearing for the petitioner, would submit that unless and until the second respondent disposes of the petitioner's representation, his possession cannot be interfered with except under due process of law and as on today, the petitioner continues to be in possession and enjoyment of the said property and prays for appropriate orders.

4.The Court heard the submissions of Mr.R.A.S.Senthilvel, learned Additional Government Pleader, who accepted notice on behalf of the respondents, also.

5.Though the petitioner prayed for a larger relief, this Court, in the light of the facts and circumstances and without going into the merits of the claim projected by the petitioner in this writ petition, directs the second respondent to conclude the enquiry based on his notice bearing No.Na.Ka.1637/2015 A dated 30.6.2015, in accordance with law, after putting on notice, the persons concerned, and pass orders within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the persons concerned, and in the

interregnum, there shall be an order of status-quo as exists today, and it is made clear that the petitioner shall not create any third party right in respect of the property in question, unless and until the second respondent concludes the enquiry and passes orders. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

nsv

To:

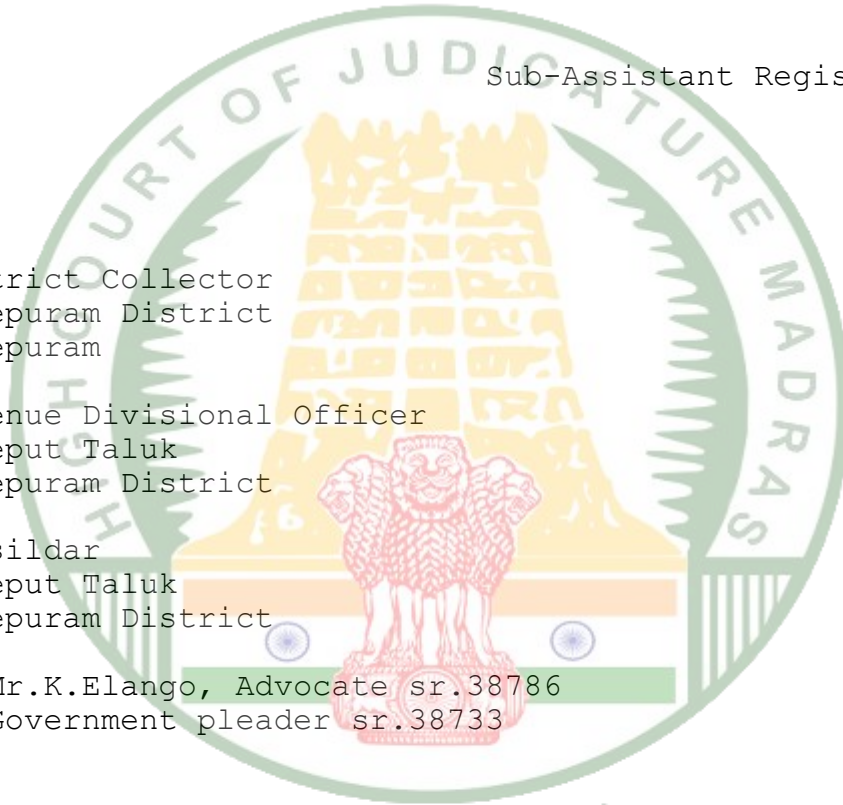
1.The District Collector
Kancheepuram District
Kancheepuram

2.The Revenue Divisional Officer
Chengleput Taluk
Kancheepuram District

3.The Tahsildar
Chengleput Taluk
Kancheepuram District

+1 cc to Mr.K.Elango, Advocate sr.38786

+1 cc to Government pleader sr.38733



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W.P.No.22865 of 2015

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