

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 29.07.2015

Coram:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.22931 of 2015

and

M.P.No.1 of 2015

D.Saraswathy

... Petitioner

vs.

1.The District Collector,
O/o.District Collector,
Kancheepuram District.

2.The Tahsildar,
Sriperumbudur Taluk,
Kancheepuram District

3.The Block Development Officer,
Kundrathur Taluk Block Development Office,
@ Padappai,
Kancheepuram District

4.The President,
Mowlivakkam Grade I Panchayat,
Mowlivakkam,
Chennai-600 116

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondents 1 to 3 to demolish the compound wall constructed on the northern side of the petitioner's property and the compound gate erected on the passage leading to the petitioner's property on the eastern side, the extent being 30 ft.road, situated at S.No.42/5 of No.63, Mowlivakkam Village, Sriperumbudur Taluk, Kancheepuram District.

For petitioner : Mr.J.Joseph Christopher

For Respondents : Mr.M.Digvijaya Pandian,
A.G.P. for R1 and R2
Mr.M.L.Mahendran,G.A.for R3 and R4

ORDER

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

2. The petitioner would state that initially a layout was formed in respect of the lands at S.No.42/5, Mowlivakkam Village, Sriperumbudur Taluk, Kanchedepuram District. Necessary approval was also accorded for forming the layout. Subsequently, it was subdivided into 18 plots. The petitioner further states that her husband had purchased plot No.100 in the above said layout, to an extent of one ground and 295 sq.ft. In turn, he has executed a registered sale deed dated 29.3.1990, registered as document No.1037 of 1990, in favour of the petitioner and she claims to be in possession and enjoyment of the same. It is further stated by the petitioner that the land adjacent to the petitioner's land has been used as a burial ground and the fourth respondent, who has no authority whatsoever, is putting up compound wall at the vacant site, encroaching the petitioner's plot also. In this regard, she has submitted a representation dated 30.03.2015 to the respondents. Since the petitioner has not been favoured with any response, she came forward to file this writ petition.

3. Heard the submissions of Mr.J.Joseph Christopher learned counsel appearing for the petitioner and Mr.M.Digvijayapandian, learned Additional Government Pleader, who accepts notice on behalf of respondents 1 and 2 and Mr.M.L.Mahendran, learned Government Advocate, who accepts notice on behalf of respondents 3 and 4.

4. Though the petitioner prayed for a larger relief, this Court, without going into the merits of the claim projected by the petitioner, directs the petitioner to submit one more representation to the first respondent by enclosing a copy of the order passed in this writ petition along with her earlier representation dated 30.3.2015, within a period of two weeks from the date of receipt of a copy of this order and the first respondent, on receipt of the same, is directed to consider the same and pass orders on merits and in accordance with law, after putting on notice the fourth respondent, within a period of eight weeks thereafter and communicate the decision taken to the petitioner as well as the fourth respondent.

5. The writ petition is disposed of accordingly. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

msk

To

1.The District Collector,
O/o.District Collector,
Kancheepuram District.

2.The Tahsildar,
Sriperumbudur Taluk,
Kancheepuram District

3.The Block Development Officer,
Kundrathur Taluk Block Development Office,
@ Padappai,
Kancheepuram District

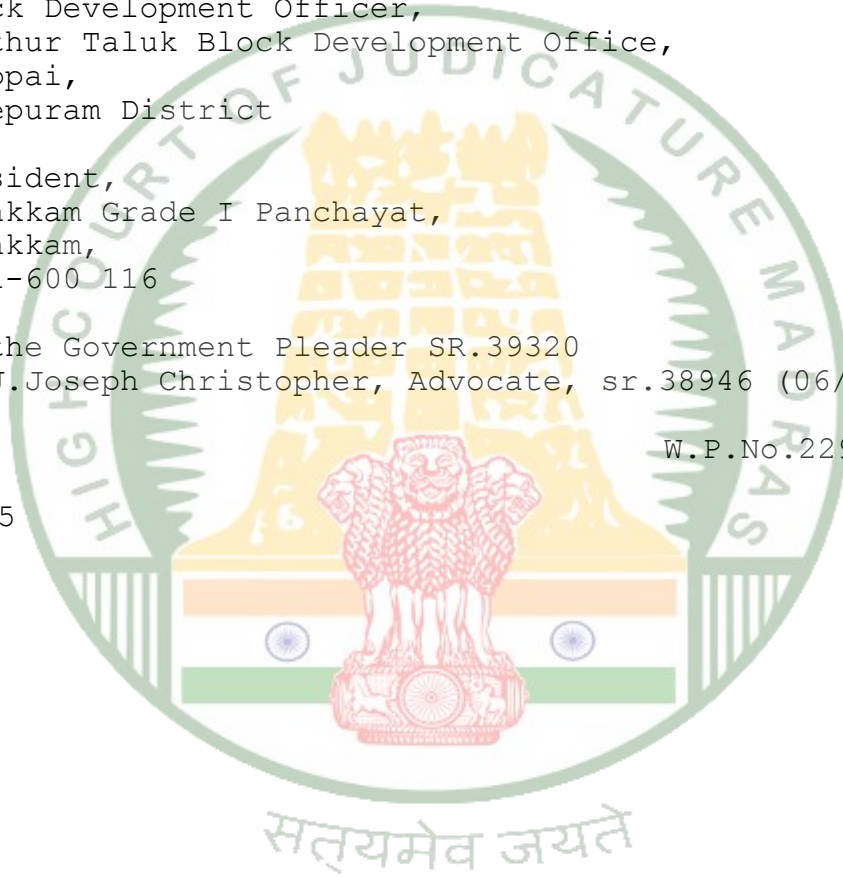
4.The President,
Mowlivakkam Grade I Panchayat,
Mowlivakkam,
Chennai-600 116

+1 cc to the Government Pleader SR.39320

+1 cc to J.Joseph Christopher, Advocate, sr.38946 (06/10/2015)

W.P.No.22931 of 2015

VD(CO)
Eu 14.08.15



WEB COPY