

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:16.11.2015

Coram

The Hon'ble Mr. Justice T.S. SIVAGNANAM

W.P. No.27031 of 2015

K.Jayapal

.. Petitioner

Vs

1.The District Collector,
Kancheepuram District,
Kancheepuram.

2.The Executive Officer,
Madurapakkam Town Panchayat,
Madurapakkam,
Tambaram Taluk,
Kancheepuram District.

3.The Engineer-in-Chief (Buildings) &
Chief Engineer (Building),
Chennai Region (PWD),
Chepauk,
Chennai - 5.

... Respondents

Prayer :-Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus to forbear the respondents herein, their men and subordinates or any other persons authorised by them from interfering with the peaceful possession of the petitioner's land measuring to an extent of _____ acres acre 0.51½ cents, comprising in Survey No.709/2, Madampakkam Village, Tambaram Taluk, Kancheepuram District, without following the due process of law.

For Petitioner .. Mr.A.Ramalingam

For Respondents... Mr.RM.Muthukumar G.A., for RR1&R3
Mr.R.Govindasamy AGP for R2

O R D E R

Heard the learned counsels appearing on either side and perused the materials placed on record. By consent of the learned counsels on either side, the writ petition is taken up for final disposal.

2. The petitioner seeks for issuance of a Writ of Mandamus, to forbear the respondents herein, their subordinates or any other persons authorised by them from interfering with the peaceful possession of the petitioner's land measuring to an extent of 0.51½ cents, comprising in Survey No.709/2, Madampakkam Village, Tambaram Taluk, Kancheepuram District, without following the due process of law.

3. At the time when the Writ Petition was entertained, an order of Interim Injunction was granted, which has been extended from time to time and still in force as on date.

4. The petitioner's only grievance is that the respondent should not interfere with the petitioner's peaceful possession and enjoyment of the land in question without following due process of law. In the typed set of papers, two documents have been filed viz., one is a sale deed dated 05.11.1990 and another is a receipt given for patta application dated 13.01.2014. There is no other document produced to establish that the petitioner is in lawful possession of the property. Therefore, it is a pre-requisite that the petitioner should establish that he is a lawful occupant of the property in question.

5. In the light of the above, the question of granting any relief in a Writ Petition does not arise. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

pbn

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To

1.The District Collector,
Kancheepuram District,
Kancheepuram.

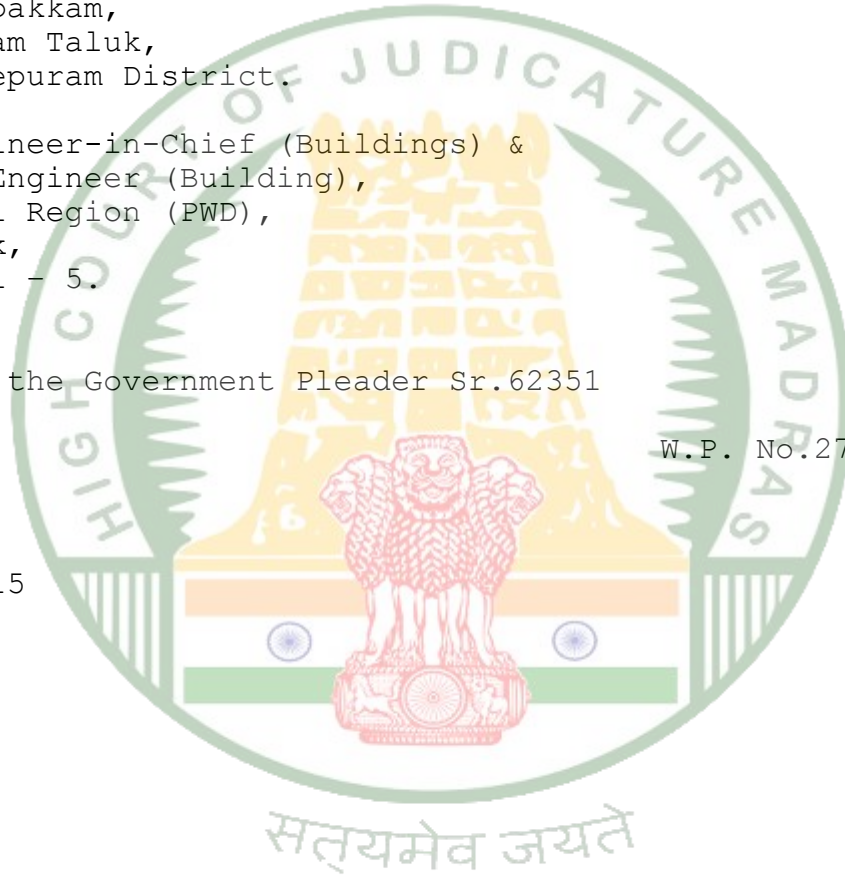
2.The Executive Officer,
Madurapakkam Town Panchayat,
Madurapakkam,
Tambaram Taluk,
Kancheepuram District.

3.The Engineer-in-Chief (Buildings) &
Chief Engineer (Building),
Chennai Region (PWD),
Chepauk,
Chennai - 5.

+ 1 cc to the Government Pleader Sr.62351

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SK(CO)
EU 27.11.15



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