

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2015

CORAM

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

W.P.No.29029 of 2015

and

M.P.No.1 of 2015

Mrs.Poosammal

... Petitioner

Vs.

1. The State of Tamil Nadu
rep. by its Secretary,
Local Administration Department,
Fort St.George, Chennai-600 009.

2. The Executive Officer,
Town Panchayat,
Perungalathur,
Chennai-600 063

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issue a Writ of Mandamus directing the first respondent herein to consider the petitioner's representation sent to him on 30.03.2015, to take action on the basis of the petitioner representation sent to him against the second respondent herein to not disturbing the enjoyment of the property situated at Old Perungalathur Village comprised in Survey No.223, to the extent of 0.50 cent, which is owned by the petitioner.

For Petitioner :: Mr.G.Vijayaraghavan

For Respondents:: Mr.V.Jayaprakash Narayanan for R-1
Spl. Government Pleader
Mrs.Kavitha
Government Advocate for R-2

O R D E R

The petitioner has come before this Court seeking a direction to the first respondent to consider the petitioner's representation dated 30.03.2015, to take action on the basis of the petitioner representation sent to him against the second respondent not disturbing the enjoyment of the property situated at Old Perungalathur Village comprised in Survey No.223, to the extent of 0.50 cent, which is owned by the petitioner.

2. The learned counsel appearing for the petitioner contends that the petitioner is in occupation of 50 cents of land in Survey No.223 at Old Perungalathur Village and she obtained a decree of permanent injunction in O.S.No.2945 of 1993 on 08.08.1994. Even then the petitioner's possession is sought to be disturbed by the respondents. Therefore, the petitioner come forward before this Court after giving a representation to the respondent on 30.03.2015, not to disturb her possession.

3. Heard the learned counsel appearing for the petitioner and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader appearing for the first respondent and Mrs.Kavitha, learned Government Advocate, appearing for the second respondent.

4. Mrs.Kavitha, the learned Government Advocate, produced the revenue records which show that the property which is allegedly in the occupation of the petitioner is a poramboke land. The petitioner cannot encroach upon the poramboke land and seek a direction to the respondents not to disturb her possession. When the petitioner has got no right over the property, this Court is not inclined to entertain the writ petition. Accordingly, the writ petition is dismissed. No costs. Consequently, connected M.P. is closed.

rrg

Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

To

1 The Secretary,
Local Administration Department,
Fort St.George, Chennai-600 009.

2. The Executive Officer,
Town Panchayat,
Perungalathur,
Chennai-600 063.

+1 C.C. to GOVERNMENT PLEADER, in Sr.51896

W.P.No.29029 of 2015

KSJ(CO)

sd : 05/10/2015