

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.NO.9390 OF 2015
and M.P.NO.1 OF 2015

T.Rajendran

.. Petitioner

Vs

1. Government of Tamil Nadu
represented by its Secretary to Government,
Municipal Administration and Water
Supply Department,
Fort St. George, Chennai 600 009.
2. The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Park Town, Chennai - 600 003.
3. The Zonal Officer, Zone No.15,
Corporation of Chennai,
Sholinganallur,
Chennai - 600 119.

.. Respondents

* * *

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Prohibition prohibiting the respondents or their men, servants, agents, nominees, assignees, administrators, successor(s)-in-office, its contractor (s) or any other public person(s) claiming through them either directly or indirectly from trespassing into the writ petitioner's land which is more particularly described in the schedule - b to the writ petition and washed in rose colour in the rough plan attached with the writ petition for any purpose to construct drainage lines, to lay thaar road works or for any other purpose.

* * *

For Petitioner : Mr.M.Sriram
for M/s.M.S.Mani

For Respondents: Mr.R.Vijayakumar,
Addl. Govt. Pleader for R1

Mr.P.V.Selvakumar for RR 2 and 3

O R D E R

Heard Mr.M.Sriram, learned counsel appearing for the petitioner, Mr.R.Vijayakumar, learned Additional Government Pleader for the first respondent and Mr.P.V.Selvakumar, learned counsel for the respondents 2 and 3. With the consent of both sides, this writ petition itself is taken up for final disposal.

2. The petitioner seeks for a Writ of Prohibition prohibiting the respondents or their men, servants, agents, nominees, assignees, administrators, successor(s)-in-office, its contractor (s) or any other public person(s) claiming through them either directly or indirectly from trespassing into the writ petitioner's land which is more particularly described in the schedule - b to the writ petition and washed in rose colour in the rough plan attached with the writ petition for any purpose to construct drainage lines, to lay thaar road works or for any other purpose.

3. According to the petitioner, the respondents are attempting to lay a pipeline in his private patta lands comprised in Survey Nos.123/6, 123/7 and 123/8, and in the affidavit filed in support of this writ petition, the petitioner has referred to the entry made in the Adangal extract and land survey register extract to state that the lands are his private patta lands. The petitioner would state that he has got several documents to establish that the lands in question are his private patta lands.

4. The learned Standing Counsel for the respondents Corporation submitted that the area in question has been handed over to the Sholinganallur Panchayat before area was merged with the Chennai Corporation and it is stated that the lands are vested with the Sholinganallur Panchayat.

5. In the light of the present dispute, there will a direction to respondents 2 and 3 to issue notice to the petitioner and thereafter, to proceed with the matter in accordance with law, after affording an opportunity of personal hearing to him. The above direction shall be complied with within a period of three weeks from the date of receipt of a copy of this order. Till such procedure is complied with, status quo prevailing as on date shall be maintained.

6. This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

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-s/d-

Assistant Registrar(CO)

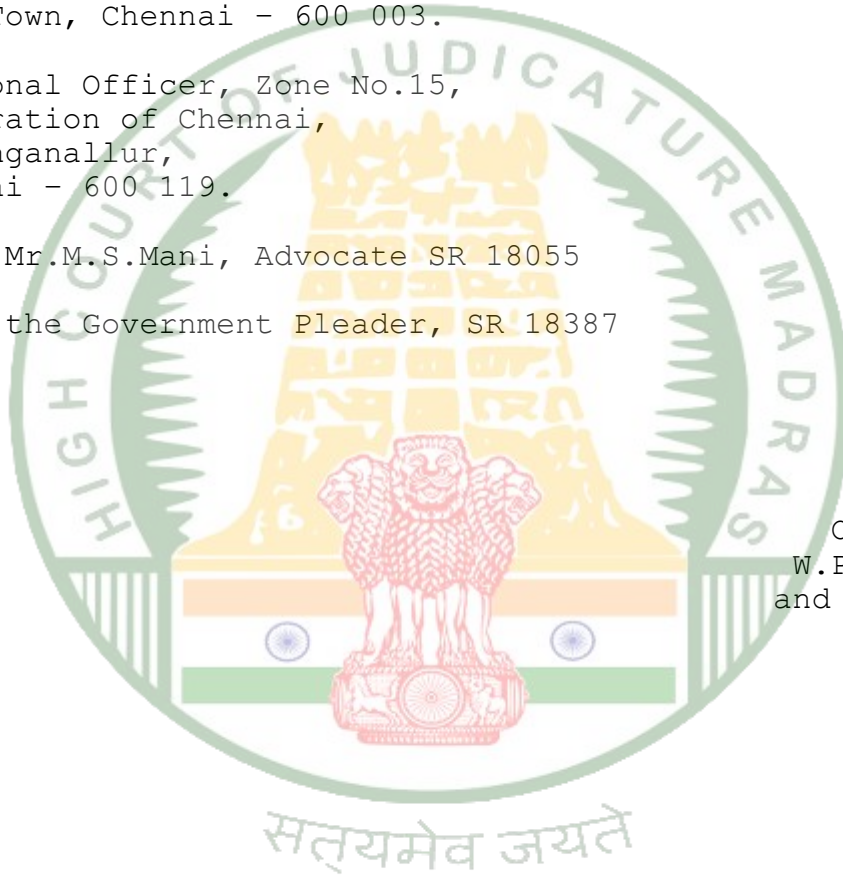
True Copy

Sub-Assistant Registrar

To

1. The Secretary,
Municipal Administration and Water
Supply Department,
Government of Tamil Nadu,
Fort St. George, Chennai 600 009.
 2. The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Park Town, Chennai - 600 003.
 3. The Zonal Officer, Zone No.15,
Corporation of Chennai,
Sholinganallur,
Chennai - 600 119.
- + 1 cc to Mr.M.S.Mani, Advocate SR 18055
- + 1 cc to the Government Pleader, SR 18387

rj(co)
prk13/4



ORDER IN
W.P.NO.9390 OF 2015
and M.P.No.1 of 2015

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