

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2016

CORAM:

THE HONOURABLE MR. JUSTICE HULUVADI G. RAMESH
AND
THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN

Writ Petition No.14380 of 2016

D.Ramesh

.. Petitioner

Vs.

1. The Commissioner of Municipal Administration,
Commissionerate of Municipal Administration,
Government of Tamil Nadu,
Ezhilagam Annexe Building,
6th Floor, Chepauk,
Chennai 600 005.
2. The Commissioner,
Pallavaram Municipality,
Pallavaram, Chennai 600 044.
3. M.Gnanasekaran
4. The Revenue Divisional Officer,
Tambaram.
5. The Tahsildar,
Pallavaram,
Chennai 600 044. ... R4 & R5 are impleaded as per
order dated 12.07.2016 in
WMP 19855/2016 in WP 14380/16
6. The District Collector,
Kancheepuram District. ... R6 is Suo Motto impleaded as
per order dated 12.07.2016 in
WP 14380/2016

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Mandamus, directing the 2nd respondent to remove their encroachments, illegal construction and Board put up by them in the petitioner's property bearing Plot Nos.3 and 4, Erikarai Street, Gandhi Nagar, Keelkattalai,

Chennai 600 117, measuring a total extent of about 2,640 sq. feet comprised in S.No.257/13, No.144, Keelkattalai Village, Tambaram Taluk, Kancheepuram District and forbear the 2nd and 3rd respondents, their men, agents, representatives, assigns and/or anyone claiming through or under them from in any way encroaching upon and/or interfering with the petitioner's peaceful ownership, enjoyment and possession of his above said property.

For Petitioner : Mr.Arun Anbumani
for Mr.P.Rajkumar Pandian

For R1 & R4 to R6 : Mr.P.S.Sivashanmugasundaram,
Special Government Pleader

For R2 : Mr.P.Srinivas

For R3 : No appearance

O R D E R

(Order of the Court was made by HULUVADI G. RAMESH, J.)

The petitioner has come up with this Writ Petition seeking a direction to the 2nd respondent to remove the encroachments, illegal construction and Board put up by them in his property bearing Plot Nos.3 and 4, Erikarai Street, Gandhi Nagar, Keelkattalai, Chennai 600 117, measuring a total extent of about 2,640 sq. feet comprised in S.No.257/13, No.144, Keelkattalai Village, Tambaram Taluk, Kancheepuram District and forbear the 2nd and 3rd respondents, their men, agents, representatives from in any way encroaching upon and/or interfering with his peaceful ownership, enjoyment and possession of the above said property.

2. The grievance of the petitioner is that the 2nd respondent Municipality has illegally and unlawfully encroached into his property at Keelkattalai, Chennai by putting up illegal construction and a Board stating that the property belongs to them. According to him, he purchased Plot Nos.3 and 4, measuring an extent of about 2,640 sq. ft. from one Mrs.E.Madhani and Mr.P.Elumalai, vide two Sale Deeds dated 23.08.2007 registered as Document Nos.4457 and 4458 of 2007 on the file of the Sub-Registrar, Pallavaram. The said Plots were originally assigned in favour of the said Mrs.E.Madhani and Mr.P.Elumalai by the Special Tahsildar (House Site - Assignment), Saidapet, Chennai vide proceedings of the Collector in R.Dis.157099/82 N1, dated 19.12.1982 and subsequently, the same has been incorporated in the Survey Land Register, Pallavaram. The petitioner claims that he is in possession and

enjoyment of the said two plots from the date of purchase of the same in the year 2007.

3. According to the learned counsel for the petitioner, the 3rd respondent, who is the Ward Councillor of that area, threatened the petitioner that the property in question has to be settled in his name, failing which, the petitioner will be done to death. He further submitted that the 3rd respondent usurped the said property and is carrying on construction work in the petitioner's land.

4. While so, learned Special Government Pleader appearing for respondents 2, 4, 5 and 6, submitted that the land in question comprised in Survey No.257/13, measuring an extent of 0.27 cents at No.144, Keelkattalai Village, Sholinganallur Taluk is mentioned as bund in the Revenue Accounts and that the assignment patta submitted by the petitioner is not genuine.

5. In reply, learned counsel for the petitioner submitted that the property in question is comprised in 155, Keelkattalai Village and not in 154, Madipakkam Village and that before Town Survey, the said lands were classified as Government Poramboke - Bund in the 'A' register and after Town Survey, they have been assigned Town Survey number.

6. We have heard the learned counsel for the parties and gone through the material documents available on record.

7. The question of the 3rd respondent usurping the petitioner's property cannot be ruled out. But, the appropriate authority to decide this issue is the District Collector. Hence, the 6th respondent/District Collector is directed to look into this matter, verify all the records by calling the same from the concerned Sub-Registrar Office, ensure its genuineness and conduct enquiry by hearing the parties and pass appropriate orders within a period of three months from the date of receipt of a copy of this order. Till then, status quo shall be maintained.

This Writ Petition is disposed of with the above direction. No costs. Consequently, connected W.M.P.No.12571 of 2016 is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To:

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Administration,
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Government of Tamil Nadu,
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4. The Tahsildar,
Pallavaram,
Chennai 600 044.
5. The District Collector,
Kancheepuram District.

1 cc to Government Pleader, sr.52218

1 cc to Mr.P.Srinivas, Advocate, sr.52189

W.P.No.14380 of 2016

vsn co
kra 05.10.2016

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