

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.15765 of 2016

1. Jayarajakani Ammal @ Rajakani Ammal
2. Devi .. Petitioners

Vs.

1. The Commissioner of Municipal Administration,
Commissionerate of Municipal Administration,
Government of Tamil Nadu,
Ezhilagam Annexe Building,
6th Floor, Chempauk,
Chennai 600 005.
2. The Commissioner,
Pallavaram Municipality,
Pallavaram, Chennai 600 044.
3. M.Gnanasekaran ... Respondents

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 petitioners' property bearing Plot Nos.1 and 2, 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 : 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.)

Petitioners have 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 their property bearing Plot Nos.1 and 2, 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 petitioners is that the 2nd respondent Municipality has illegally and unlawfully encroached into their property at Keelkattalai, Chennai by putting up illegal construction and a Board stating that the property belongs to them. According to the petitioners, the property at Plot Nos.1 and 2, each measuring an extent of about 1,320 sq. ft. comprised in S.No.257/13, No.144, Keelkattalai Village, Tambaram Taluk was assigned in favour of the 1st petitioner's husband Mr.Chandran and the 1st petitioner, respectively, by the Special Tahsildar (House Site - Assignment), Saidapet, Chennai vide District Collector's proceedings in R.Dis.157099/82 N1, dated 19.12.1982.

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

4. While so, learned Special Government Pleader appearing for the 1st respondent 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 petitioners is not genuine.

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

6. The question of the 3rd respondent usurping the petitioners' property cannot be ruled out. But, the appropriate authority to decide this issue is the District Collector. Hence, the District Collector, Kancheepuram District 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.13681 of 2016 is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To:

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.

W.P.No.15765 of 2016

vsn co
kra 05.10.2016