

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 28.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.Nos.16098, 16259 &
16260 of 2016

- 1 Maddimchetty Ravi Sudhakar
2 Maddimchetty Brundaveni
3 Maddimchetty Vijayakumar
4 Maddimchetty Venkateswara Rao
5 Maddimchetty Varalakshmi [PETITIONERS IN ALL THE WPS]
- Vs
- 1 The District Collector
Puducherry
2 The Tahsildar
Revenue & Land Records
Sub-Taluk Office
Revenue Department
Puducherry Union Territory
Yanam-533 464
.. Respondents 1 & 2 in all W.Ps.
3 The Commissioner
Yanam Municipality
.. 3rd respondent in W.P.Nos. 16098 &
16259 of 2016/
.. 4th respondent in W.P.No.16260 of 2016
4 The Executive Engineer
Public Works Departments
Yanam.
.. 4th Respondent in W.P.Nos.16098 &
16259 of 2016/
5 The Assistant Engineer
Electricity Department
Yanam.
.. 3rd respondent in W.P.No.16260 of 2016

Prayer in W.P.No.16098 of 2016: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, to forbear the third respondent and their agents, subordinates from forcible taking possession of the petitioners land bearing in T.S.No.B/24/4 (T.S.No.B/24/3) for measuring an extent of 201 square meters of the vacant land is situated at Yerragunta Street, Yanam by the Municipality, Yanam and consequential direction directing the third respondent to follow the due process of law, before evicting the petitioners from petitioners property.

Prayer in W.P.No.16259 of 2016: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Declaration, to declare the tender notification dated 16/10/2015 issued by the Municipality Yanam (third respondent) to construct Community Hall in the petitioners property in Survey No. T.S. No. B/ 24/ 4 (T.S. No.B/24/3), without following the due process of law as being arbitrary illegal, irrational, ultra vires null and void.

Prayer in W.P.No.16260 of 2016: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, to direct the third respondent to disconnect the Electricity connection effected to the illegal construction in the Petitioners property in Survey No.T.S.No. B/24/4 (T.S. No. B/ 24/ 3) for admeasuring to an extent of 201 Square Meters situated at yerragunta Street Yanam.

For Petitioners : Mrs.Usha Raman

For Respondents : Mr.A.Tamilvanan,
Government Advocate (Puducherry)

C O M M O N O R D E R

Heard Mrs.Usha Raman, learned counsel appearing for the petitioners and Mr.A.Tamilvanan, learned Government Advocate (Puducherry), accepting notice on behalf of respondents. By consent of the learned counsel on either side, the Writ Petitions are taken up for final disposal.

2.In these Writ Petitions, the petitioners are aggrieved by the action of the respondent Municipality in attempting to put up a Community Hall in the property in question and also prayed for disconnection of the electricity service connection effected, with which the petitioners claim absolute right.

3.According to the petitioners, it is their private property and to support such a claim, certain averments have been made in the affidavits filed in support of the Writ Petitions and copies of the sale deeds have also been produced.

4.The petitioners strongly rely upon the information furnished under the Right to Information Act by the Commissioner of Yaman Municipality, wherein the petitioners asked for information as to whether such lands belong to Yanam Municipality and the reply to such query was "does not arise". Therefore, the petitioners would state that the Notification issued by the Municipality on 16.10.2015, proposing to construct Community Hall has to be declared as null and void and the electricity connection effected to the illegal construction in their property to be disconnected.

5.It is not known as to the present stage of the matter and there is no proper explanation as to why the petitioners have not approached the Court earlier. In any event, the representation given by the petitioners are pending consideration of the authorities and it would be appropriate for the authorities to consider the same and pass orders on merits and in accordance with law.

6.Accordingly, while declining to grant the relief sought for, there will be a direction to the first respondent to consider the petitioners representation dated 17.03.2016, and after issuance of notice to the petitioners and directing verification of the records by his Officers, the first respondent shall pass appropriate orders on merits and in accordance with law, within a period of three weeks from the date of receipt of a copy of this order.

The Writ Petitions are dismissed with the above observations.
No costs.

Sd/-

Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

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To

1 The District Collector
Puducherry

2 The Tahsildar
Revenue & Land Records
Sub-Taluk Office , Revenue Department
Puducherry Union Territory
Yanam-533 464

3 The Commissioner
Yanam Municipality

4 The Executive Engineer
Public Works Departments
Yanam.

5 The Assistant Engineer
Electricity Department
Yanam.

1 CC TO M/S. Usha Raman, Advocate, Sr. 26919
1 cc to Government Pleader, SR. 27105

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