

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2016

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P.No.22041 of 2013

A.Dass .. Petitioner

-vs-

1.The Chief Executive Officer,
Office of the Cantonment Board,
St. Thomas Mount,
Chennai-600 016.

2.The Director,
Directorate of Cantonment Boards,
Military Estate Lands,
(Southern Commands)
Pune.

3.A.Vinayagam. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents to remove the encroachment over the Road and maintain 10 feet road at European Line Street, St. Thomas Mount, Chennai-600 016.

For Petitioner : Mr.V.P.Rajendran

For Respondent : Mr.C.Mohan
for

M/s.King & Patridge for R1

For Respondent : R3 NA
R2 Not Ready

* * * * *

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner claims relief of removal of the encroachment over what is alleged to be a road of 10 feet at European Line Street, St. Thomas Mount, Chennai-16.

2. The learned counsel appearing for the first respondent states that this is a Cantonment land with the ownership vested with the Cantonment Board and categorised as B4 land. It is stated that

the effect thereof is that though the ownership vests with the Cantonment Board, the occupants who were so occupying much prior to the Cantonment Act are permitted to so occupy. There is stated to be no road as such, but passage has to be left for free ingress and egress.

3. It is further stated that the allegation in the petition was really directed against the third respondent, who had encroached upon the passage and after notice to the third respondent, obstructions had been removed. It is also stated that notices have been issued even to other persons and any obstruction in the passage will be removed, even if that be of the petitioner.

4. We take the aforesaid statement on record and disposed of the writ petition. No costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

To

1.The Chief Executive Officer,
Office of the Cantonment Board,
St. Thomas Mount,
Chennai-600 016.

2.The Director,
Directorate of Cantonment Boards,
Military Estate Lands,
(Southern Commands)
Pune.

+1 cc to M/s.King & Partridge, Advocate, Sr.36424.

rp(co)
krd 20/7

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