

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2016

CORAM

The HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

The HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.24827 of 2010

1. Mohammed Sulaiman
2. Sharmila Banu .. Petitioners

vs.

1. The District Collector
Kancheepuram District
Kancheepuram.
2. The Commissioner
Corporation of Chennai
Chennai - 600 003.
(Cause title amended as per
order dated 7.1.2014 passed
in M.P.No.1 of 2013)
3. The President
Ullagaram -Puzhuthivakkam
3rd Grade Municipality
Chennai - 600 091.
4. The Tahsildar
Sholinganallur Taluk
Tambaram, Chennai - 600 045.
5. The Village Administrative Officer
Puzhuthivakkam Village
Duraipakkam Village Administrative Office
Duraipakkam, Chennai - 600 100.
6. Gajender Singh Rathore ... Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing respondents 1 to 5 to take action against the 6th respondent by removing the encroachment on the canal and restore the canal comprised in Survey No. 37/15 situated at Ullagaram-Puzhuthivakkam Village.

For Petitioners : Mr.R.Kannan

For Respondents : Mr.T.N.Rajagopalan
Spl. Government Pleader
for respondents 1, 4 and 5

Mr.V.C.Selvasekaran
for 2nd respondent

No appearance
for 3rd respondent

Mr.A.Kalaiazhagan
for 6th respondent

ORDER

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

The allegation of the petitioners is of encroachment by the sixth respondent on canal comprised in Survey No.37/15 situated at Ullagaram-Puzhuthivakkam Village.

2. The learned counsel for the sixth respondent states that his construction is in a different Survey number, i.e., S.No.38/7A2B.

3. The counter affidavit filed by the Tahsildar/fourth respondent states that land in S.No.37/15 of Madipakkam-1 Village, Sholinganallur Taluk measuring 0.05.5 Hectares is classified as Channel Poromboke in the village accounts and it is confirmed that the sixth respondent has constructed a pucca terrace building encroaching a portion of 38 Sq. Metres of the Channel Poromboke. The sixth respondent is stated to be the patta holder of the land in S.No.38/7A2B measuring 0.02.2 Acres, which stands registered in his name under patta No.10627.

4. In view of the aforesaid position, to the extent there is any encroachment on the canal, action in accordance with law be taken with notice to all concerned and the proceedings be concluded within a period of two months from today.

The petition, accordingly, stands disposed of. No costs.
Consequently, M.P.No.1 of 2010 is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

sasi

To:

1. The District Collector
Kancheepuram District
Kancheepuram.
2. The Tahsildar
Sholinganallur Taluk
Tambaram, Chennai - 600 045.
3. The Village Administrative Officer
Puzhuthivakkam Village
Duraipakkam Village Administrative Office
Duraipakkam, Chennai - 600 100.
4. The Commissioner,
Corporation of Chennai,
Chennai-3.
5. The President
Ullagaram -Puzhuthivakkam
3rd Grade Municipality
Chennai - 600 091.

+1cc to Mr.R.Kannan, Advocate sr.70700
+1cc to Dr.R.Sampathkumar, Advocate Sr.70734
+1cc to the Government Pleader sr.70233

W.P.No.24827 of 2010

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srg 14/12/2016