

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.25603 of 2016

And

W.M.P.No.21967 of 2016

J.Ronald Moses Raj

... Petitioner

Vs.

- 1 The Secretary
State Highways Department
Government of Tamil Nadu
Fort St. George, Secretariat,
Chennai - 600 009.
- 2 The Assistant Divisional Engineer
State Highways, Avadi,
Chennai - 600 054.
- 3 The Tahsildar
Ambattur Taluk,
Chennai - 600 054. ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents desist from proceeding with digging processes or any other acts including taking over of the petitioner's property bearing Plot No.43, present Red Hills Road, Ram Nagar, Ambattur comprised in Survey No.602/7 or any part thereof without following due processes of law.

For Petitioner : Ms.R.Priyakumar

For Respondents : Mr.R.Govindasamy
Special Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The petitioner would submit that he is the sole and absolute owner of the house ground and premises bearing Plot No.43, present Red Hills Road, Ram Nagar, Ambattur in Survey No.602/7 admeasuring to an extent of 3672 sq.ft approved layout No.T.P./DTP 250 of 1967 and purchased the same by way of registered sale deed bearing document no.8556/1988, dated 07.12.1988 registered on the file of the Sub Registrar, Ambathur and also put up a building in terms of the duly approved plan vide planning permission no.197/06 dated 13.02.2006 and claims to be in exclusive possession and enjoyment of the same.

3.The grievance expressed by the petitioner is that all of a sudden, without putting the petitioner on notice whatsoever, some officials attached to the office of the second respondent came to his premises and started marking for the purpose of removing the portion of the building for expansion of highways. The petitioner in this regard, has also submitted a representation dated 18.07.2016, to the second respondent, bringing to his knowledge the above said facts and circumstances and since further steps are taken to damage a portion of the property, came forward to file this writ petition.

4.Heard the submissions of Ms.R.Priyakumar, learned counsel appearing for the petitioner and Mr.R.Govindasamy, learned Special Government Pleader who accepts notice on behalf of the respondents.

5.Though the petitioner prayed for a larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the respondents 2 and 3 to consider and dispose of the petitioner's representation dated 18.07.2016, in accordance with law and pass orders, within a period of six weeks from the date of receipt of a copy of this order and till then, shall defer further decision to interfere with/ demolish portion of the premises of the petitioner.

6.The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

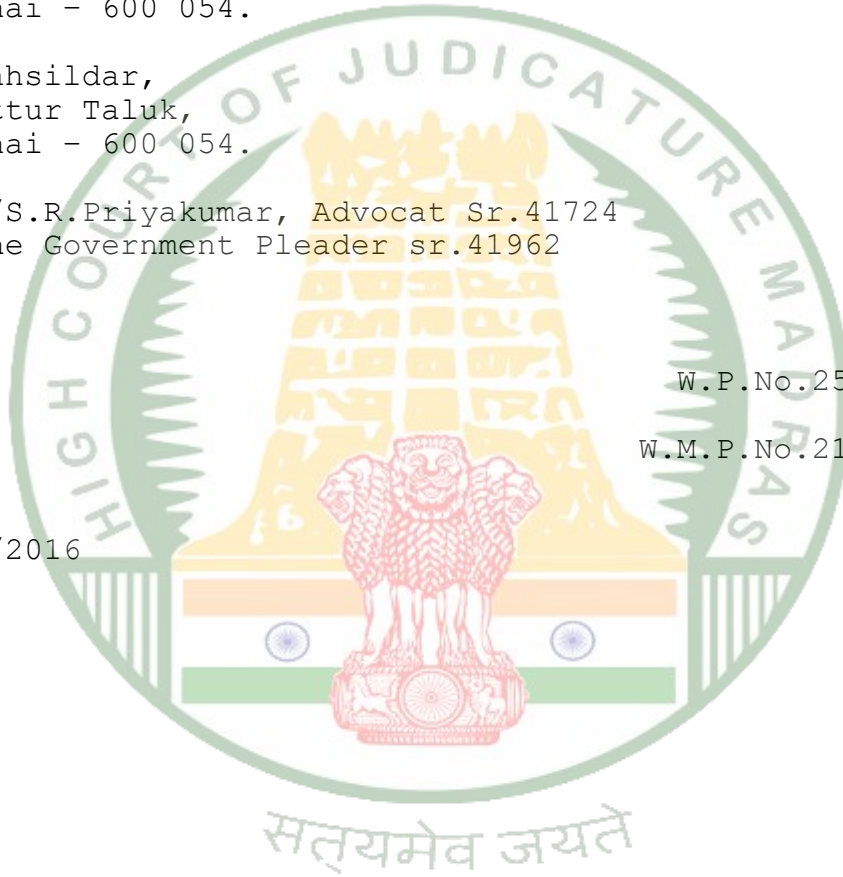
To

- 1 The Secretary,
State Highways Department,
Government of Tamil Nadu ,
Fort St. George, Secretariat,
Chennai - 600 009.
- 2 The Assistant Divisional Engineer,
State Highways, Avadi,
Chennai - 600 054.
- 3 The Tahsildar,
Ambattur Taluk,
Chennai - 600 054.

+1cc to M/S.R.Priyakumar, Advocat Sr.41724
+1cc to the Government Pleader sr.41962

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sv[co]
srg 11/08/2016



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