

IN THE HIGH COURT OF JUDICATUARE AT MADRAS

DATED: 18-10-2016

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.Nos.34236 of 2016

K.Neelavathi

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Petitioner

--VS--

1. The Government of Tamil Nadu,
Rep.by its Secretary,
Department of Highways, Secretariat,
Chennai - 5.

2.The District Collector,
Kancheepuram,
Kancheepuram District.

3.The District Revenue Officer
(Land Acquisition)
Chennai Outer Ring Project,
CMDA, Koyambedu, Chennai - 92.

4.Special Tahsildar (Land Acquisition)
Chennai Outer Ring Project,
Tambaram, Poonamallee,
Kancheepuram District,
Chennai.

5.The State Highways,
Rep.by its Chief Engineer (General)
Highways Department,
Chennai - 5.

6.Tamil Nadu Road Development
Corporation Ltd.,
No.346, Pantheon Road,
Egmore, Chennai - 8.

7.Tmt.Chinnammal
W/o Late Muthumanickam
No.4/42, GST Road,
Otteri, Vandalur,
Chennai - 600 048.

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Respondents

(Impleaded as per order of this
Court dated 19.10.2016)

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus forbearing the respondents from interfering with the petitioner's peaceful possession, enjoyment and occupation of the property at Survey Nos.217/2A2 & 218/8A2 situated in No.41/157, GST Road, Otteri, Vandalur Village, Chennai by providing sufficient time to the petitioner to enable him to relocate to an alternate residence.

For Petitioner	: Mr.S.R.Raghunathan
For R.1 to R.5	: Mr.T.M.Pappiah, Special Govt. Pleader
For R.6	: Mr.M.Sivavarthanan
For R.7	: Mr.V.Baskaran

ORDER

The petitioner who is in possession of the property bearing No.41/157, GST Road, Otteri, Vandalur Village, Chennai - 600 048 has come up before this Court seeking writ of mandamus forbearing the respondents

from interfering with the petitioner's peaceful possession and provide sufficient time to vacate, as the property has already been acquired by the respondent for laying out ring road.

2. Heard Mr.S.R.Raghunathan, learned counsel for the petitioner, Mr.T.M.Pappiah, learned Special Government Pleader appearing for the respondents 1 to 5 and Mr.M.Sivavarthanam, learned counsel appearing for the sixth respondent.

3. Since Mrs.Chinnammal is a rival claimant in respect of the property, it is appropriate to implead the said Chinnammal as a necessary party in this writ petition. Hence, this court, suo moto impleads "Tmt.Chinnammal, W/o Late Muthumanickam, No.4/42, GST Road, Otteri, Vandalur, Chennai - 600 048" as seventh respondent in this writ petition and Mr.V.Baskaran, learned counsel takes notice for the newly impleaded seventh respondent.

4. It is seen that there is a claim and rival claim regarding the aforesaid properties between the petitioner and the newly impleaded seventh respondent and hence, the issue has to be decided separately. The only question to be decided by this Court is what is the time limit the petitioner is

entitled to ? It is submitted by th learned counsel for the petitioner that the petitioner has got no objection to handover the possession of the properties to the respondent but he requires only sufficient time to handover possession. In this regard, he has also filed an affidavit dated 04.10.2016 seeking time till 17.01.2017 to vacate and handover possession of the properties to the respondents.

6. Since an affidavit dated 04.10.2016 has been filed by the petitioner and that the newly impleaded seventh respondent has got no objection for giving time to the petitioner to vacate and hand over possession of the properties to the respondents, this court grants time to the petitioner till 21.01.2017 to vacate and hand over possession of the properties to the respondents. However, it is made clear that this court is not deciding about the rights of the petitioner and the newly impleaded seventh respondent in this case.

7. With the above direction, this writ petition is disposed of. No costs.

19.10.2016

Index : Yes/No
rgr

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N. KIRUBAKARAN,J.

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