

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2016

CORAM

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

The HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.40856 of 2016

K.Mathivanan

.. Petitioner

Versus

1.The Secretary to Government
Housing and Urban Development Department,
St.George Fort, Chennai 600009.

2.The President,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chepauk, Chennai 600005.

3.Estate Officer - 3,
Tamil Nadu Slum Clearance Board,
Chennai 600039.

4.The Revenue Officer -1,
Gudisai Paguthi Matru Vairyam,
Chennai Slum Clearance Board,
Chennai.

5.Loganayagi.

.. Respondents

Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus, to direct the 2nd respondent to remove encroachment in D.No.73, Plot No.74, Venkatapuram Scheme, Taluk Office Road, Saidapet and resurvey the plot No.74 and allot to the petitioner as prescribed in the allotment order and sketch dated 31.08.1983.

For Petitioner

: Mr.K.Thiruvalluvan

For Respondents

: Mr.M.K.Subramanian
Government Pleader
for R.1

Mr.S.Prabhu for R.2 to R.4.

ORDER

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

The petitioner is having some disputes with his neighbour in respect of the land allotted, after both their predecessors-in-interest have actually encroached upon public lands. There is also dispute between the neighbour of the petitioner and the neighbour on the other side of the parties, which forms subject matter of the suit decree.

2. We are of the view, these aspects cannot be gone into in writ proceedings, terming it as a land encroachment matter.

3.It is open to the petitioner to take recourse to the Civil proceedings to establish his right, if any.

4.The writ petition is dismissed with the aforesaid liberty, leaving the parties to bear their own costs.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

To

1.The Secretary to Government
Housing and Urban Development Department,
St.George Fort, Chennai 600009.

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Tamil Nadu Slum Clearance Board,
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Chennai Slum Clearance Board,
Chennai.

+1 cc to M/s.K.Thiruvalluva,advocate,sr.68609

+1 cc to M/s.S.prabu,advocate,sr.68531

+1 cc to Government Pleader,sr.67708

cnr(co)

krd 30/11

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