

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2017

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.No.9008 of 2017
& W.M.P.No.9921 of 2017

B.Vensar

.... Petitioner

- Vs -

1. The Commissioner,
Greater Corporation of Chennai,
Ripon Buildings, Chennai-600 003.

2. The Executive Officer,
Madambakkam Town Panchayat,
Madambakkam, Chennai-600 126.

.... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to forbear the first respondent from interfering with the petitioner's peaceful possession and enjoyment of the property situated at S.No.690, Door No.9, Periyapalayathamman Koil Street, Madambakkam Village, Madambakkam Town Panchayat, Kancheepuram District, Chennai-600 126 without due process of law.

For Petitioner : Mr.K.Elangoo

For Respondents : Mr.P.V.Selvakumar for R1 & R2

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ORDER

The petitioner is stated to be in occupation of the property situated in S.No.690, Door No.9, Periyapalayathamman Koil Street, Madambakkam Village, Madambakkam Town Panchayat, Kancheepuram District, Chennai-600 126. Alleging that he is sought to be removed, the present writ petition has been filed.

2. The first respondent, in paragraphs 7 to 9 of his counter affidavit, has stated as follows:

"7. I respectfully submit that accordingly the officials of Greater Chennai Corporation has taken action to remove the encroachment in the land in question and found that nearly 70 persons has encroached the Corporation land and has put up construction. I further submit that the officials of Greater Chennai Corporation has only removed the Seemaikaruvel trees in the said land and also the temporary huts which were not occupied by any persons.

8. I respectfully submit that the officials of the Greater Chennai Corporation has only taken steps to remove the encroachments made in Survey Nos.681, 682/1, 683, 684/C, 6912, 741/2, 741/1, 742/2, 743/1 and 743/2 and not in Survey No.600 as alleged by the petitioner therein. I further submit that as per the Revenue Records the land in Survey No.690 is shown as Kallan kuthu, which comes under the jurisdiction of the Revenue Authorities. A letter has been addressed to Tahsildar-Tambaram to measure and demarcate the land in Madambakkam Village Survey Nos.681, 682/1, 683, 684/C, 691, 741/2, 741/1, 742/2, 743/1 and 743/2.

Further remainder letters also been sent on 16.05.2017 and 26.05.2017 to Tahsildar-Tambaram to expedite the survey and to furnish the report.

9. I respectfully submit that the encroachments made in the land belongs to the Greater Chennai Corporation will be removed by issuing notice to all the encroachers and also by following rules in force."

3. In view of the abovesaid stand, the apprehension of the petitioner has got no basis. The petitioner can only be disturbed by following the due process of law as stated by the first respondent in the abovesaid paragraphs. Accordingly, the

writ petition stands disposed of holding that the petitioner shall not be dispossessed except by following due process of law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

raa

To

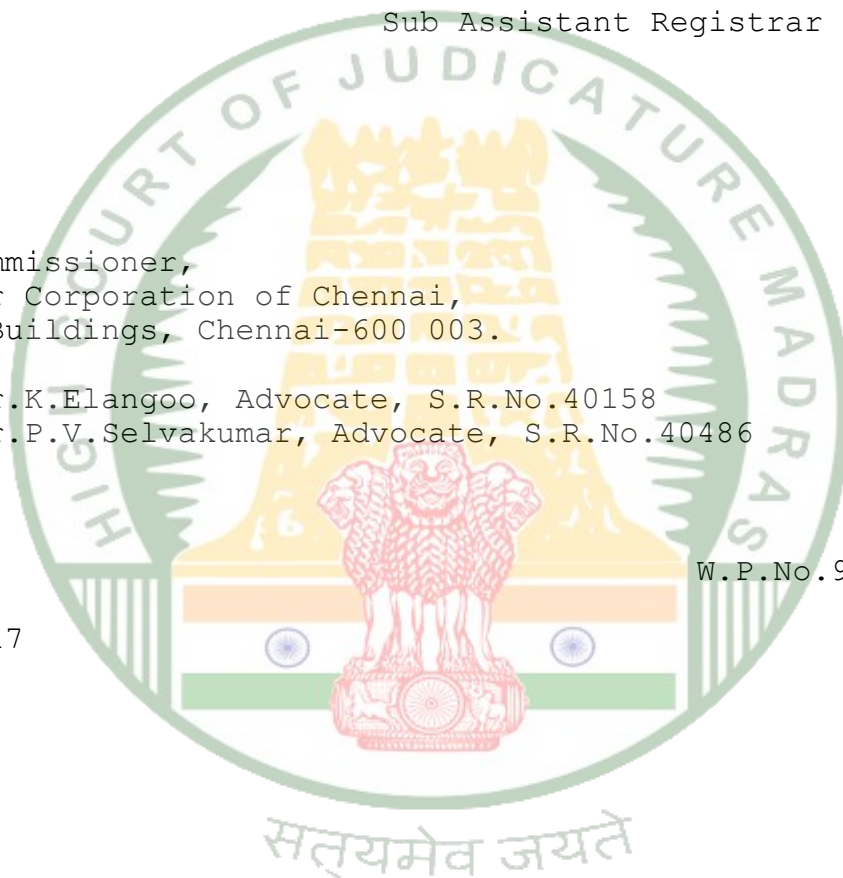
1. The Commissioner,
Greater Corporation of Chennai,
Ripon Buildings, Chennai-600 003.

+1cc to Mr.K.Elangoo, Advocate, S.R.No.40158

+1cc to Mr.P.V.Selvakumar, Advocate, S.R.No.40486

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CS/14/06/17



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