

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2017

CORAM :

The Hon'ble MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE K.KALYANASUNDARAM

W.P.No.4841 of 2017
and W.M.P.No.5062 of 2017

1.M.Krishnan
2.K.Hari Kumar
3.K.Prabakaran ... Petitioners

-vs-

1.The District Collector,
Thiruvallur District,
Thiruvallur.

2.The Commissioner,
Poonamallee Municipality,
Ponnamallee,
Thiruvallur Dt.

3.The Tahsildar,
Poonamallee Taluk,
Poonamallee,
Thiruvallur Dt.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order dated 14.02.2017 passed by the second respondent in Na.Ka. No.1431/2016/F1 and quash the same and consequently forbear the respondents from initiating proceedings for eviction against the petitioners from their Grama Natham properties comprised in S.Nos.246/2, 246/3 & 246/4 in Kattupakkam Village, Poonamallee Taluk, Thiruvallur District.

For Petitioners : Mrs.Chitra Sampath
Senior Counsel
for M/s.R.Sunil Kumar

For Respondents : Mr.R.Vijayakumar
Addl. G.P. for R1 & R3

Mr.R.Sivakumar for R2

ORDER

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

Mr.R.Vijayakumar, learned Additional Government Pleader takes notice for respondent 1 and 3 and Mr.R.Sivakumar, learned counsel takes notice for the 2nd respondent.

2. Aggrieved by the notice dated 14.2.2017 directing the petitioners to remove the encroachments within seven days, the present petition is filed on the grounds that the building has been constructed after obtaining planning permission from the competent authority and that the second respondent is not empowered to issue the impugned notice. It is further alleged that the survey numbers specified in the impugned notice are not in their possession and, therefore, the notice issued is under a mistaken identity.

3. After hearing the learned counsel for the parties, we direct the respondent/authorities to re-survey the property in question and thereafter proceed in accordance with law, after issuing a fresh notice, in case any encroachments are found. Till such exercise is done, the respondent/ authorities shall not take any coercive steps against the petitioner.

The petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

sasi

To

1.The District Collector,
Thiruvallur District,
Thiruvallur.

2.The Commissioner,
Poonamallee Municipality,
Ponnamallee,
Thiruvallur Dt.

3.The Tahsildar,
Poonamallee Taluk,
Poonamallee,
Thiruvallur Dt.

+1cc to Mr.R.Sivakumar,Advocate sr.12793

+1cc to Government Pleader sr.12573

+1cc to Mr.R.Sunil Kumar,Advocate sr.2409(28/3/2017)

W.P.No.4841 of 2017

rsy(co)
ss(13/03/2017)



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