

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.11.2017

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.No.21912/2017

&

WMP.Nos.22950, 22951 & 26865/2017

- 1.T.Venuraj
- 2.C.Veeramuthu
- 3.T.Shanmugam
- 4.S.Mohammed Sherif
- 5.M.Devan
- 6.M.Muthusamy
- 7.Jayaseelan

....Petitioners

vs

- 1 The District Collector
Kancheepuram District.
Kancheepuram.
- 2 The Assistant Director,
Highways Department
[Building an Maintenance]
Tambaram Division, Velachery
Chennai 600 042.
- 3 The Tahsildar
Sholinganallur Taluk
Kancheepuram District.
- 4 The Revenue Officer
No.120, Rajiv Gandhi Road,
OMR, Sholinganallur
Chennai 600 119.

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus forbearing the respondents from in any manner interfering or disturbing the peaceful possession and enjoyment of the petitioners in the schedule mentioned property except due process of law.

For Petitioners: Mr.J.Sudhakaran

For Respondents: Mrs.M.E.Rani Selvam, AGP

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

The petitioners claiming to be the native residents of Pallikaranai Village, Sholinganallur Taluk, Kancheepuram District in Survey No.318, came forward to file the present writ petition apprehending that they are likely to be dispossessed without due course to law.

2 This writ petition was entertained on 17.08.2017 and interim order was granted till 21.09.2017 and it was extended till 07.11.2017. In the meanwhile, the 2nd respondent has filed WMP.No.26865/2017, for vacating the interim order.

3 The learned counsel for the petitioners, on instructions, has filed individual affidavits of the petitioners dated 30.10.2017, praying for leave of this Court to withdraw the writ petition. He has also made an endorsement in the petition to that effect.

4 Mrs.M.E.Rani Selvam, learned Additional Government Pleader appearing for the respondents has drawn the attention of this Court to the affidavit filed in support of the petition to vacate the interim order of injunction and would submit that the petitioners had put up the superstructures in S.No.318, which has been classified as the "Government Poramboke Eri Ulvay" in the Government records and the lands are not patta lands and in fact, no pattas were issued even under the regularisation scheme by the Tahsildar concerned and as such, the writ petitioners are not having any right or title over the said land and no building plan has also been approved by the competent authorities and that apart, this Court had also issued directions to the Government officials to demolish the unauthorized buildings in the lands classified as "Eri Poramboke" which are highly objectionable.

5 Accordingly, the 2nd respondent is directed to take immediate and appropriate action against the petitioners in accordance with law in the light of the stand taken by the 2nd respondent in paragraph No.5 of the affidavit filed in the vacate injunction petition dated 19.09.2017.

6 In the light of the individual affidavits filed by the petitioners and also in view of the endorsement made by the learned counsel for the petitioners, the writ petition stands dismissed as withdrawn subject to the above observation. No costs. Consequently, the interim order is vacated and WMP.No.22951/2017 stands vacated and WMP.Nos.22950 & 22951/2017 stand dismissed and WMP.No.26865/2017 is ordered.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

AP
To

- 1 The District Collector
Kancheepuram District.
Kancheepuram.
- 2 The Assistant Director,
Highways Department
[Building an Maintenance]
Tambaram Division, Velachery
Chennai 600 042.
- 3 The Tahsildar
Sholinganallur Taluk
Kancheepuram District.
- 4 The Revenue Officer
No.120, Rajiv Gandhi Road,
OMR, Sholinganallur
Chennai 600 119.

+ 1 cc to Mr. J. Sudhakaran, Advocate SR.78665
+ 1 cc to Mr. Government Pleader Sr.79292

WP.No.21912/2017

MN(CO)
EU(15/11/2017)