

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:14.12.2017

CORAM

THE HONOURABLE MR.JUSTICE RAVICHANDRABAABU

W.P.No.32470 of 2017
and W.M.P.Nos.35782 and 35783 of 2017

K.Dhanraj

... Petitioner

vs.

1. The District Collector,
Kanchipuram District,
Kanchipuram.
 2. The District Revenue Officer,
Kanchipuram District,
Kanchipuram.
 3. The Tahsildar,
Pallavaram Taluk Office,
Kanchipuram District.
 4. The Assistant Engineer,
Public Works Department,
W.R.D. Adyar Irrigation Work,
St.Thomas Mount,
Chennai.
 5. The Member Secretary,
Chennai Metropolitan Development Authority,
Egmore, Chennai.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the imugned notice of the 2nd respondent in his proceedings under Na.Ka.34/2016/No.2 dated 06.01.2016 and quash the same and further forbearing the respondent from interfering with the petitioner peaceful possession and enjoyment of their property situated at Survey No.234 to extent of 2 acres 9 cents at Anagaputhur, Pallavaram Taluk, Kanchipuram District.

For Petitioner : Mr.R.Sivasankar

For Respondents : Mr.R.Govindasamy
Special Government Pleader

O R D E R

Mr.R.Govindasamy, learned Special Government Pleader takes notice for the respondents. By consent of the parties, the main writ petition itself is taken up for final disposal.

2. The petitioner is aggrieved against the proceedings of the second respondent dated 06.01.2016. Consequently, he is seeking for a direction against the respondents not to interfere with his peaceful possession and enjoyment of the subject matter property.

3. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents.

4. First of all, what is under challenge is only a notice of enquiry, that too, issued as early as on 06.01.2016. From the perusal of the impugned notice it is seen that the petitioner was called upon to appear for enquiry on 11.01.2016 on the reason that the patta granted to the petitioner in respect of the subject matter property is in a water body and therefore, the Government has decided to take the said land and provide an alternative land to the petitioner. This is evident from the subject matter referred to in the notice.

5. When such being the position, I do not think that the petitioner is entitled to canvass the correctness or otherwise of the notice issued by the second respondent, that too, nearly after two years. Therefore, I find that the present writ petition is not maintainable. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

सत्यमेव जयते Sd/-

Assistant Registrar(CS-)

//True Copy//

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Sub Assistant Registrar

vsi

To

1. The District Collector,
Kanchipuram District,
Kanchipuram.

2. The District Revenue Officer,
Kanchipuram District,
Kanchipuram.
3. The Tahsildar,
Pallavaram Taluk Office,
Kanchipuram District.
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Public Works Department,
W.R.D. Adyar Irrigation Work,
St.Thomas Mount,
Chennai.
5. The Member Secretary,
Chennai Metropolitan Development Authority,
Egmore, Chennai.

+lcc to Mr.R.SIVASANKAR Advocate, S.R.No. 90082
+lcc to the Government Pleader, S.R.No. 89948

W.P.No.32470 of 2017

TR(27/12/2017)



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