

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.22914/2017 & WMP.Nos.24064 & 26861/2017

M.Subramaniapillai

... Petitioner

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 directing the respondents not to interfere with the petitioner's peaceful possession and enjoyment of property bearing Plot Nos.27AB & 28AB both measuring an extent of 14 cents comprised in Survey No.318 Part, Pallikaranai village, Sholinganallur Taluk, Kancheepuram District, without adhering procedure known to law.

For Petitioner : Mr.P.K.Sabapathi

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

ORDER

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

The petitioner and his wife claiming to be the absolute owners of the property bearing house Plot No.27A and 28A comprised in Survey No.318 [part], Pallikaranai Village, Sholinganallur Taluk, Kancheepuram District, admeasuring to an extent of 14 cents, came forward to file the present writ petition, alleging threat of eviction on the part of the respondents without resorting to due course of law.

2 This writ petition was entertained on 24.08.2017 and interim order was granted till 21.09.2017 and in the interregnum, the 2nd respondent has filed WMP.No.26861/2017, for vacating the interim order.

3 The learned counsel for the petitioner, on instructions, seeks permission of this Court to withdraw this writ petition and 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 petitioner 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 stay petition dated 19.09.2017.

6 In the light of the submission and endorsement made by the learned counsel for the petitioner, the writ petition stands dismissed as withdrawn subject to the above observation. No

costs. Consequently, the interim order is vacated and WMP.No.24064/2017 stands vacated and WMP.No.24064/2017 stands dismissed and WMP.No.26861/2017 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.P.K. Sabapathi, Advocate Sr.78706(21/11/2017)
+ 1 cc to Government Pleader Sr.79293(21.11.2017)

WP.No.22914/2017

MN(CO)
EU(21/11/2017)

WEB COPY