

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:26.07.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

W.P.No.19116/2017 & WMP.No.20625/2017

K.Elango

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Petitioner

Vs

1.The District Collector,
Thiruvallur.

2.The Tahsildar
Taluk Office,
Madhuravoil, Chennai 600 095.

3.The Regional Deputy Commissioner
Greater Chennai Corporation Chennai
Zone-XI, Valasaravakkam,
Chennai 600087.

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Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of certiorari calling for the records of the 3rd respondent herein vide impugned proceedings No.Zone-XI C.No.E2/5035/2016 dated 06.06.2017 signed on 09.06.2017 served on 12.06.2017 and quash the same as null and void.

For Petitioner
For RR 1 & 2
For R3

: Mr.G.Thangavel
: Mr.A.N.Thambidurai, Spl.GP
: Mr.A.Nagarajan

ORDER

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

By consent, the writ petition is taken up for final disposal. Mr.A.N.Thambidurai, learned Special Government Pleader accepts notice on behalf of the respondents 1 and 2 and Mr.A.Nagarajan, learned Standing counsel accepts notice on behalf of the 3rd respondent.

2 The petitioner claims that he has purchased the landed property admeasuring to an extent of 570 sq.ft., along with a superstructure comprised in S.No.81, bearing Plot No.23, Door No.1, Nagireddy Street, Sri Devi Karumariamman Nagar, Valasaravakkam Village, through a registered Sale Deed bearing Doc.No.2632/2009 dated 06.07.2009 and ever since, he is in possession and enjoyment of the same and also paying statutory levies and he has also been issued with ration/family card. The petitioner is also running a Welding shop in the said premises apart from having a residence and to his shock and surprise, he has been issued with the impugned notice by the 3rd respondent dated 09.06.2017 under section 220 read with 222 of the Chennai City Municipal Corporation Act, 1919 and challenging the

legality of the same, the petitioner came forward to file the present writ petition.

3 It is the case of the petitioner that the title of the property has been traced right from the year 1959 and after his purchase, he has also not put up any additional construction and therefore, the question of encroachment does not arise at all and therefore, prays for interference. The petitioner, in response to the said notice, has also submitted a detailed response/representation dated 22.06.2017 and in spite of receipt and acknowledgment and without responding to the same, further action is being taken to dispossess the petitioner and hence, having left with no other option, the petitioner is before this Court by way of filing the present writ petition.

4 The learned counsel for the petitioner would submit that though the petitioner had purchased the property through a registered Sale Deed and that the title of the property has been traced right from the year 1959, the 3rd respondent, without reference to the relevant records, had wrongly issued the impugned notice as if the petitioner is an encroacher and though representation has been submitted in response to the said impugned notice, without disposing of

the same, further precipitative action is being taken and therefore, prays for interference.

5 *Per contra*, Mr.A.Nagarajan, learned Standing counsel appearing for the 3rd respondent would submit that after adopting due process of law only, action is being taken in accordance with the relevant statutes.

6 This Court has considered the rival submissions and also perused the materials placed before it.

7 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, either in his representation or in this writ petition, directs the 3rd respondent to consider and dispose of the petitioner's representation dated 22.06.2017 submitted in response to the impugned notice dated 09.06.2017 on merits and in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner and till

such time, shall defer further decisions in terms of the impugned notice dated 09.06.2017.

8 The writ petition stands disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

[M.S.N., J.,]

[N.S.S., J]

26.07.2017

Index : No
Internet : Yes

AP

To

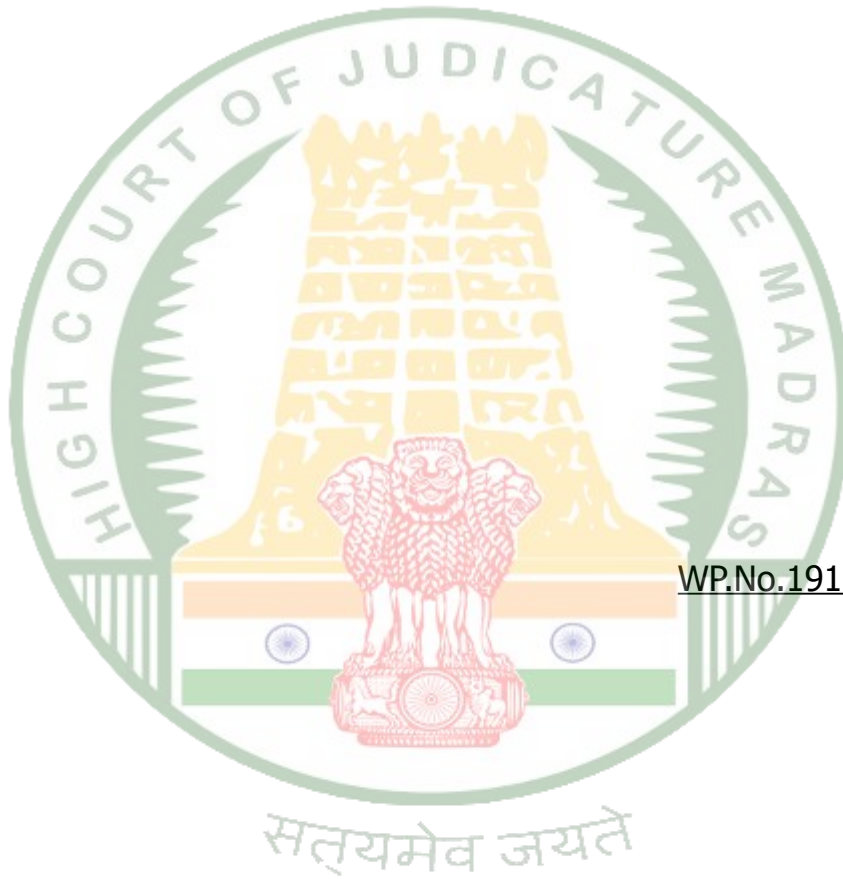
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