

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2017

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.No.22711 of 2016
& WMP No.19406 of 2016

P.Chandrasekaran

.. Petitioner

Vs.

1.The President,
Muttukadu Panchayat,
Egattur Village, Rajiv Gandhi Salai,
Old Mahabalipuram Road, Tiruporur Taluk,
Kancheepuram District-603103.

2.Mr.Elangovan

3.Mr.Sambandham

4.Oceanside Owners Association,
Represented by its President,
Muttukadu Village, Chengalpattu Taluk,
Kancheepuram District, Tamil Nadu.
(R4 is impleaded as per order dated 04.07.2016
by NKKJ in WMP No.19868 of 2016 in
W.P.No.22711 of 2016)

5.The Tahsildar,
Tiruporur Taluk.

6.M/s Sundar Sekhar,
A regd. Partnership Firm,
No.112, Veperay High Road,
Madras-600 003.

(R5 & R6 is suo-motu impleaded as per order
dated 04.07.2016 by NKKJ in
W.P.No.22711 of 2016)

.. Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus to direct the first respondent Panchayat not to permit any unauthorised laying of road in about 7 acres in Old S.No.99/5C, (Sub divided as S.No.99/5C1C, 99/5C2A, 99/5C2B etc., in Muttukadu Village, Tiruporur Taluk, Kancheepuram District.

For Petitioner .. Mr.Silambanan S.C., for
M/s Kaavya Silambanan Associates.

For Respondents .. Mr.V.Jayaprakash Narayanan,
Special Government Pleader for R1

Mr.S.Diwakar,
Special Government Pleader for R2 & R5

Mr.S.Thangavel for R3

Mr.L.Maithili Associates for R4

Mr.S.Ramesh for R7

ORDER

The petitioner, claiming to be the owner of the property, seeks to direct the first respondent not to permit any unauthorised laying of road in about 7 acres in Old S.No.99/5C, (Sub divided as S.No.99/5C1C, 99/5C2A, 99/5C2B etc., in Muttukadu Village, Tiruporur Taluk, Kancheepuram District.

2. In the counter affidavit filed by the first respondent it has been stated as follows:

"However, there was no response whatsoever from the said Mr.Sambandam or from the Ocean side. It is further submitted that from the records it is seen that there is no approved layout either in Survey No.104/4, 104/5A/1B, 106/3, 108/3 etc., of the lands called Ocean side. Likewise there is no approved layout in the lands in Survey No.99/5C or its subdivisions. Hence, the Panchayat has no locus standi or authority to venture into the private patta lands to provide street lights, water facility etc., and all the more when there are civil disputes between parties in survey No.99/5C and its subdivisions."

3. In view of the clear stand of the first respondent, nothing survives for adjudication in this writ petition. It is brought to the knowledge of this Court that three suits have been filed at the instance of the third respondent against the petitioner. The petitioner has also filed a suit in the same way. Accordingly, the writ petition stands disposed of giving liberty to the parties to raise their respective contention in the pending suits.

4. It is needless to state that in view of the above and taking note of the stand taken by the first respondent, the second respondent viz., Inspector of Police, Kanaathur Police Station, Kancheepuram District, though arrayed in person, is directed not to interfere with the inter se dispute. However, it is made clear that this observation is with respect to the road portion alone and this has no application to the criminal proceedings already been initiated.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

raa

To

1.The President,
Muttukadu Panchayat,
Egattur Village, Rajiv Gandhi Salai,
Old Mahabalipuram Road, Tiruporur Taluk,
Kancheepuram District-603103.

2.The Tahsildar,
Tiruporur Taluk.

+ 1 cc to M/s. V. Jayaprakash Narayanan, Advocate SR.15853
+ 1 cc to M/s. S. Ramesh, Advocate Sr.15797
+ 1 cc to Mr.Maithili Associates, Advocate Sr.15789
+ 2 ccs to M/s. S. Thangavel, Advocate SR.15645
+ 1 cc to Government Pleader Sr.16044

W.P.No.22711 of 2016

AD(CO)
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