

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.10.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.19185 of 2013
and M.P.No.1 of 2013

Dr.Chandra Ananthasayanam

...Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary,
Department of Municipal Administration & Water Supply,
Fort St. George,
Chennai-600 009.

2.The Corporation of Chennai,
Represented by its Commissioner,
Rippon Buildings,
Chennai-600 003.

...Respondents

Writ petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to henceforth refrain from taking up any sort of excavation or other works and consequently to restore the private passage to its original position by closing the pits and removing the sand and blue metal unloaded in the private passage.

For Petitioner : Ms.R.Maheswari
For Respondents : Mr.R.Arunmozhi

O R D E R

This writ petition is filed seeking for a direction to the respondents herein to henceforth refrain from taking up any sort of excavation or other works and consequently to restore the private passage to its original position by closing its pits and removing the sand and blue metal uploaded in the private passage.

2.When the matter was taken up for hearing, learned counsel for the respondent submitted that the property mentioned in the pleadings of the petitioner is a private property and at no point of time, the said property has been trespassed by the

Corporation Officials. That apart, the petitioner has obtained injunction order in O.S.No.6489 of 2011 against the third parties from interfering peaceful possession and that the Corporation was not a party in that Civil Suit.

3.The learned counsel for the petitioner would submit that after the injunction order was granted by this Court, a final decree and judgment has been passed. The respondent has encroached the private property on the ground that they are going to lay road.

4.Since, it is represented that they are gated community and the land belongs to the petitioner and the respondent submitted that they have no intention to encroach the land, no further adjudication requires in the present writ petition.

5.Recording the submissions of the learned counsel for the respondent, the Corporation/Officials shall not interfere upon the private property of the petitioner, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

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To

1.The Secretary, State of Tamil Nadu,
Department of Municipal Administration & Water Supply,
Fort St. George,
Chennai-600 009.

2.The Commissioner, Corporation of Chennai,
Rippon Buildings,
Chennai-600 003.

+1 cC to Ms.R. Arunmozhi, Advocate sr 74507.
+1 CC to Ms.R. Maheswari, Advocate sr 74543.
+1 Cc to The Govt. Pleader sr 74744.

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GMI (CO)
SP(27/11/2017)