

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.27521 of 2007

& W.M.P.No.1 of 2007

Karunanithi

..Petitioner

Versus

1. The President,
Magaral Village Panchayat,
Kanchipuram District.

2. The Block Development Officer,
Sirukaveripakkam,
Kanchipuram Union,
Kanchipuram District.

3. Veeraraghavan

..Respondents

Prayer: The Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents 1 and 2 from in any manner evicting the petitioner from his continuous lawful possession and enjoyment of the property situated at No.43, North Street, Rajaveethi, Magaral Village, Kanchipuram Taluk.

For Petitioner : Mr.C.Samadharama Arasu

For RR1&2 : Mr.O.Selvam

For R3 : No Appearance

ORDER

The petitioner has filed this petition to forbear the respondents 1 and 2 from in any manner evicting the petitioner from his continuous lawful possession and enjoyment of the property situated at No.43, North Street, Rajaveethi, Magaral Village, Kanchipuram Taluk.

2. Pursuant to the interim order of this Court dated 18.08.2007 in M.P.No.1 of 2017, the petitioner is paying Rs.100/- and enjoying the premises in question.

3. According to the respondents 1 & 2, the place in question is required for Primary Health Centre. The petitioner may be a

tenant by paying Rs.100/-, but he cannot be allowed to continue for ever. The relief sought for by the petitioner cannot be granted to the petitioner at this stage, as the petitioner is in possession of the property for more than 10 years and it is necessary to handover the possession to the respondents 1 and 2 for development of Primary Health Centre.

4. In view of the above submissions of the learned counsel for the respondents 1 & 2, this Court directs the petitioner to handover the possession within one month from the date of receipt of a copy of this order. At this point of time, it is represented by the learned counsel for the petitioner that the petitioner's children are studying and hence, he may be granted time till the end of academic year. Hence, the petitioner is granted time till 15.05.2018 to vacate the premises in question and the petitioner shall file an affidavit to that effect to the Panchayat or official respondents within 15 days from the date of receipt of a copy of this order. If the petitioner fails to file the said affidavit within time, it is open to the respondents 1 & 2 to take further action, treating the petitioner as deemed to have vacated the premises, with effect from 31.12.2017. A copy of the said affidavit shall be filed before the Registrar General, High Court, Madras enabling him to tag it along with the bundle.

5. The writ petition is disposed of as above. No costs. Consequently, connected miscellaneous petition is closed.

s/d-

Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

pvs

To

1. The President,
Magaral Village Panchayat,
Kanchipuram District.

2. The Block Development Officer,
Sirukaveripakkam,
Kanchipuram Union,
Kanchipuram District.

+1 CC to Mr.C. Samudhrarajan, Advocate sr 84988.

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SP(14/12/2017)