

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2017

CORAM

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

W.P.No.43439 of 2002

Spartan & Co.,
Rep.by its Partner
16, Arcot Road,
Lakshmi Nagar, Porur,
Chennai 600 116.

...Petitioner

Vs.

1. State of Tamil Nadu
Rep. by its Secretary to Government
Public Works Department,
Fort St.George, Chennai 600 009.

2. The Chief Engineer,
Public Works Department,
406, Pantheon Road,
Chennai 600 008.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus forbearing the respondents from interfering with the petitioner's compound wall or entrance Arch at No.16, Arcot Road, Lakshmi Nagar, Porur, Chennai 600 116.

For Petitioner : Mr.V.Perumal

For Respondents: Mr.M.Elumalai, Government Advocate

ORDER

The prayer sought for in this writ petition is to issue Writ of Mandamus forbearing the respondents from interfering with the petitioner's compound wall or entrance Arch at No.16, Arcot Road, Lakshmi Nagar, Porur, Chennai 600 116.

2. Heard both sides.

3. The learned counsel for the petitioner submitted that

the respondents have filed a counter wherein it has been stated as follows

" 4. This respondent most respectfully submits that the averments is just. Encroachments on Arcot Road were proposed to remove for smooth flow of traffic as well as pedestrians. However, the property of the petitioner was not disturbed as said in the earlier paragraphs" .

4. Since the respondents themselves have come forward and stated that the property was not disturbed and if the said statement is recorded, it would suffice to satisfy the petitioner. However, the learned Government Advocate for the respondents relied upon the paragraph No.6 which reads as follows:-

" 6. This respondent most respectfully submits that the averment of the petitioner is unacceptable any eviction of encroachment of Land Acquisition for widening the road would be contemplated by following the due set of Rules".

5. Since the petitioner seeks for a mandamus forbearing the respondents from interfering with his property and the same has been recorded by way of counter affidavit by the respondents that the petitioner's property would not be disturbed. Hence, I am of the view that there is no further adjudication required in this writ petition. Recording the said submissions made in the counter affidavit by the respondents, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

dpq

1. The Secretary to Government
Public Works Department,
Fort St.George, Chennai 600 009.

2. The Chief Engineer,
Public Works Department,
406, Pantheon Road,
Chennai 600 008.

+1cc to Mr.V.PERUMAL, Advocate, S.R.No. 88209

+1cc to the Government Pleader, S.R.No.89067

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TR(18/01/2018)