

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2017

CORAM

THE HON'BLE Mr. JUSTICE M. DHANDAPANI

W.P.No.26915 of 2003 &
W.M.P. No.32873 of 2003

R.Rajan

... Petitioner

v.

1. The District Collector,
Collectorate, Thiruvellore.
 2. The Revenue Divisional Officer,
R.D.O.'s Office, Ponneri.
 3. The Thasildar,
Taluk Office, Ambattur,
Thiruvellore District.
 4. The Commissioner,
Thiruvetriyoor Municipality,
Thiruvellore District.
 5. The Inspector of Police,
H8. Thiruvetriyur Police Station,
Thiruvetriyoor, Chennai-19.
- Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus, to direct the respondents to forbear from interfering with the property of the writ petitioner situated in 237/1 of the Thiruvottriur Village bearing door nos.766, 777, 768 and award costs and exemplary costs.

For Petitioner : Mr.Anand Venkatesh
for M/s.A.Nister Hakkeem

For Respondents: Mr.A.Zakir Hussain,
Govt. Advocate (for RR1 to 3 & 5)
: Mr.C.Ravichandran,
Chennai Corporation (for RR4)

O R D E R

The petitioner filed this writ petition seeking for a direction to the respondents to forbear from interfering with the property of the writ petitioner situated in 237/1 of the Thiruvottriur Village bearing door nos.766, 777, 768 and award costs and exemplary costs.

2.Heard both sides.

3. On the perusal of the affidavit it appears that the petitioner purchased the property Door No.354 Thiruvetriyoor, Chennai and constructed building in the year 1967 and he continued to be in possession of the property, without any disturbance whatsoever. While so, the respondents had started random demolition of the portion of the building on the above said road. Aggrieved by the said action the petitioner has filed this present writ petition.

4. The Writ petition itself is not maintainable on the ground that there is no cause of action, without cause of action, mandamus cannot be issued against the respondents. The encroachment will be removed by the respondents only after due process of law and if the encroachment is made definitely, the statutory authorities will cause notice to the petitioner. Hence the apprehension of the petitioner not sustainable.

5. Accordingly writ petition is dismissed. It is open to the petitioner to workout the remedy before appropriate forum, if it is necessary. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

sjj/arr

To

1. The District Collector,
Collectorate, Thiruvellore.
2. The Revenue Divisional Officer,
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3. The Thasildar,
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Thiruvellore District.
4. The Commissioner,
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Thiruvellore District.

5. The Inspector of Police,
H8. Thiruvetriyur Police Station,
Thiruvetriyoor, Chennai-19.

+ 1 cc to M/s.C.Ravichandran, Advocate, SR.58578
+ 1 cc to The Govt.Pleader, SR.59488

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GJ(CO)
NR 07/09/2017



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