

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.17736 of 2017

ORDER:

1. This writ petition is filed challenging the action of respondents Nos.1 and 2 in demolishing the compound wall of the house property of the petitioner, and seeking a direction to respondents Nos.1 and 2 not to proceed against the house property of the petitioner without following due process of law.

2. It is the case of the petitioner that the house property in question was purchased by his parents in the year 1990 and the same was gifted to him by his parents on 30.1.2017. The constructions in the said property were made by the vendor of his parents after obtaining permission from the competent authorities. While so, respondents Nos.1 and 2 without following the due process of law, got demolished the compound wall on the southern side of the house. Further, the respondents Nos.1 and 2 are trying to interfere with the house property of the petitioner.

3. Heard and perused the material available on record.

4. The main grievance of the petitioner is that respondents Nos.1 and 2 are trying to interfere with his house property, without following due process of law. The petitioner prays to direct respondents Nos.1 and 2 to follow due process of law prior to taking any steps for removal of the constructions in the property in question.

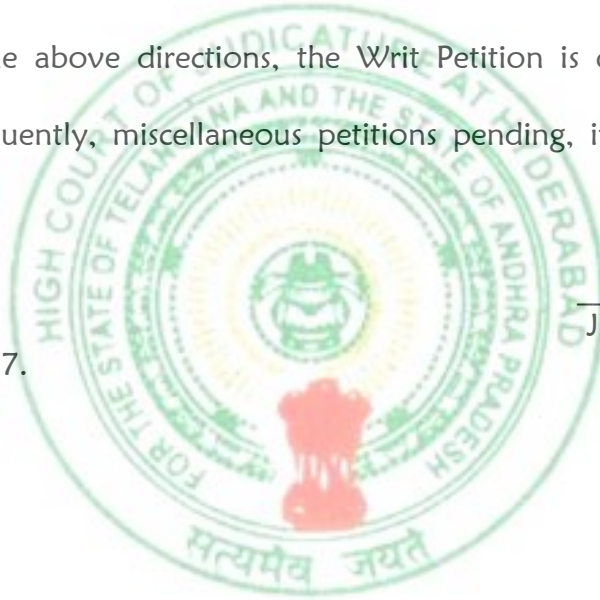
5. From the material on record, it is evident that a notice was issued by the 2nd respondent in the year 2016 and thereafter, respondents Nos.1 and 2 have not followed any procedure. The Secretary of the 3rd respondent, who appeared party-in-person while submitting that action can be taken

against the illegal constructions in accordance with law, prayed this Court to direct respondents Nos.1 and 2 to proceed with demolition of such illegal constructions after issuing notice and after following other formalities within the stipulated time.

6. Considering the above submissions, respondents Nos.1 and 2 are directed to follow the due process of law, if they intend to take any action against the illegal constructions, if any made by the petitioner herein. Further, respondents Nos.1 and 2 are directed not to interfere with the house property of the petitioner without following the due process of law.

7. With the above directions, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

Dated: 5.6.2017.
Nn



Justice Raja Elango

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