

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P. 20901 of 2018
and
W.M.P. 24537 of 2018

K.Sivakumar

... Petitioner

Vs

Pallavaram Municipality,
rep. by the Municipal Commissioner,
3rd Main Road, New Colony,
Chrompet,
Chennai-600 044.

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing the respondent, their men/agents from interfering with the peaceful possession and enjoyment of the property belonging to the petitioner bearing Plot No.2, measuring an extent of 2528 sq.ft, Old Village Nos.158, 125, 90 & 21, New Village No.16, in Zamin Pallavaram Village, Duraikannu Salai, Comprised in Survey No.50/236, Alandur TK, Kancheepuram District, within the Registration District of Chennai South and Sub-Registration District of Pallavaram, bounded on NORTH BY, Plot No.1, SOUTH BY, Plot No.3, EAST BY, vacant land and WEST BY, Duraikannu Salai (Road) measuring 60 ft. (together with splay of 7 feet), East to West on the northern side, 67 feet, East to West on the Southern Side, 33 feet, North to South on the Eastern side and 38 feet, North to South on the Western side, in all admeasuring 2528 sq.ft.

For Petitioner : Mr.V.Chandrasekaran
For Respondents : Mr.P.Srinivas,
Standing Counsel

O R D E R

This Writ Petition has been filed seeking for a direction restraining the respondent Municipality from interfering the petitioner's property in Survey No.50/236 at Zamin Pallavaram village to an extent of 2528 sq.ft.

2. The case of the petitioner is that he has purchased the above property for a valuable consideration from one Harishankar

by means of registered Sale deed dated 30.03.2012. Before his purchase, there are various transactions in respect of the aforesaid property. Now, all of sudden, the respondent Municipality attempting to trespass into the petitioner's property and started to construct a water tank. Hence, he has made a representation to the respondent requesting them not to interfere with the petitioner's property, but the same was not considered. In the said circumstances, the present Writ Petition has been filed by the petitioner.

3. Earlier, notice was ordered to the respondent. Today, when the matter was taken up for hearing, Mr.P.Srinivas, learned counsel appearing for the respondent submitted that the land in survey No. 50/236 is classified as Government poramboke, and it is not belong to the petitioner and he has also produced the Municipal Town Survey Register to show that the Survey No.50/236 is classified as Government poramboke. According to the respondent, there is a municipal water tank in the adjacent property and the Municipality now laying the pipeline through the above land for supplying the water to the residents of that area. Therefore, the petitioner do not have any right over the property.

4. I have heard the rival submissions and perused the records carefully.

5. A perusal of the Town Survey Register, it is seen that the land in Survey No.50/236 is classified as Government poramboke. As the land is classified as Government poramboke, the petitioner cannot claim any right over the property. Merely because, the petitioner has purchased the property from third party, he cannot claim title over the property based on his sale deed and the petitioner also cannot restrain the Municipality from putting up the water tank and laying pipeline, which is for a public purpose. Hence, I find no merit in the Writ Petition.

6. In the result, the Writ Petition stands dismissed. No costs. Consequently, the connected Writ Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-IX)

//True copy//

Sub Assistant Registrar

rpp

To
Municipal Commissioner,
Pallavaram Municipality,
3rd Main Road, New Colony,
Chrompet,

Chennai-600 044.

+1cc to Mr.V.Chandrasekaran, Advocate SR.No.65948

+1cc to Mr.P.Srinivas, Advocate SR.No.65889

W.P. 20901 of 2018
and
W.M.P. 24537 of 2018

GMV (24/10/2018)



WEB COPY