

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.32380 of 2014
and M.P.No.1 of 2014

D. Sathya

... Petitioner

Vs.

1. The State of Tamil Nadu
represented by its Secretary,
High Ways Department,
Fort St.George, Chennai - 600 009.
 2. The District Collector,
Kancheepuram District,
Kancheepuram.
 3. The Assistant Divisional Engineer,
Construction and Maintenance Division,
Chengalpet Sub-Division,
Highways Department,
Chengalpattu, Kancheepuram District.
 4. The Tahsildar,
Thiruporur Taluk,
Kancheepuram District.
 5. The Special Tahsildar,
Land Acquisition, Inner Ring Road,
Chrompet, Chennai - 44.
- ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to forbear the respondents, their men, agents, servants or any other persons claiming through them, from in any way disturbing the peaceful possession and enjoyment of the property of petitioner comprised in S.No.14/7 in No.23-Thiruvaidanthai Mathura Kunnukkadu Village, Tiruporur Taluk, Kancheepuram District, measuring an extent of 3270 sq.ft without following due process of law.

For Petitioner : M/s.A.Ramalingam

For Respondents : Mr.M.Elumalai

O R D E R

The relief sought for in this Writ Petition is to forbear the respondents from in any way disturbing the peaceful possession and enjoyment of the property of the petitioner comprised in S.No.14/7 in No.23-Thiruvidanthai Mathura Kunnukkadu Village, Tiruporur Taluk, Kancheepuram District.

2. The relief sought for in this Writ Petition is absolutely misconceived and the Writ Petition cannot be maintained for the purpose of granting such an order to forbear the respondents from disturbing the peaceful possession and enjoyment of the property by the petitioner. If at all the property right of the Writ Petitioner is deprived, it is left open to the petitioner to approach the Civil Court for redressal of his remedy.

3. The Writ Petition filed under Article 226 of the Constitution of India cannot be entertained as the Writ Petition involves the property right of an individual. In the present case, the petitioner claims that he is the owner of the property described in the prayer. Such an adjudication cannot be entertained under Article 226 the Constitution of India, and it is for the Writ Petitioner to approach the Civil Court and adjudicate his title, possession or ownership, in the manner known to law.

4. Thus, the present Writ Petition is not maintainable and accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The State of Tamil Nadu
represented by its Secretary,
High Ways Department,
Fort St.George, Chennai - 600 009.

2. The District Collector,
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Construction and Maintenance Division,
Chengalpet Sub-Division,
Highways Department,
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Thiruporur Taluk, Kancheepuram District.
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Land Acquisition, Inner Ring Road,
Chrompet, Chennai - 44.

+1cc to Mr.A.Ramalingam, Advocate Sr.37970
+1cc to the Government Pleader Sr.37871

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srg 28/06/2018



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