

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition Nos.34233 to 34235 of 2017
and
W.M.P.Nos.38120 & 38122 of 2017

K.Punitha .. Petitioner in W.P.34233/2017
K.Anuradha .. Petitioner in W.P.34234/2017
K.Manikandan .. Petitioner in W.P.34235/2017

Vs.

1. The Tahsildar,
Solinganallur Taluk Office,
Kumaran Nagar,
Rajiv Gandhi Salai,
Solinganallur,
Chennai - 600 119.
- 2.The Executive Engineer,
Public Works Department (Investigation)
No.88, Old No.113,
Pushpagiri Main Road,
Padappai-600 301,
Chennai.
- 3.The Village Administrative Officer,
Kovilambakkam,
Chennai - 600 117.

..Respondents in all these W.Ps.

Writ petitions filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus forbearing the 1st and 2nd respondents, their officials and subordinates from dispossessing, evicting and demolishing the petitioner's house in respect of the property registered in Document No.5270/2006 dated 26.09.2006 before the SRO of Pallavaram in the premises bearing No.3/150-A, Baliga Salai, Kovilambakkam, Chennai - 600 117 in No.123 & Part 144/26 in patta No.123/26 (Block No.259) with a total extent of 1725, 1518 & 2064 sq.ft. respectively.

For Petitioners: Mr.R.Sreedharan
For Respondents : Mr.R.Govindasamy,
Special Government Pleader

COMMON ORDER

All these writ petitions are filed for mandamus forbearing the 1st and 2nd respondents from dispossessing, evicting and demolishing the petitioners house in respect of the subject matter properties.

2. The grievance of the petitioners before this Court is that when all of them are owners of the said property and they are having valid documents in support of their claim, the respondents are trying to dispossess them without following the due process of law.

3. On the other hand, it is contended by the learned Special Government Pleader appearing for respondents that these petitioners are encroachers and therefore, the respondents will proceed against the petitioners only by following due process of law. He further submitted that out of the three petitioners, one petitioner in W.P.No.34233/2017 was issued with a notice under Section 7 of the Land Encroachment Act and in respect of the other two petitioners, similar notice will be issued. Therefore, he contended that the respondents will proceed against the petitioners only in accordance with law.

4. This Court, at this stage, is not expressing any view on the rival contentions made by the respective parties in respect of the right and title to the property in dispute. As the apprehension of these petitioners is that they will be evicted without following due process of law, considering the submissions made by these respondents that they would follow due process of law, all these writ petitions are disposed of with an observation that if the respondents are contemplating to dispossess these petitioners from their respective properties, they have to do so only by following the due process of law. As and when any such proceedings are initiated, it is open to the petitioners to defend the same in a manner known to law. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Tahsildar,
Solinganallur Taluk Office,
Kumaran Nagar,
Rajiv Gandhi Salai,
Solinganallur, Chennai - 600 119.

2. The Executive Engineer,
Public Works Department (Investigation)
No.88, Old No.113,
Pushpagiri Main Road,
Padappai-600 301, Chennai.

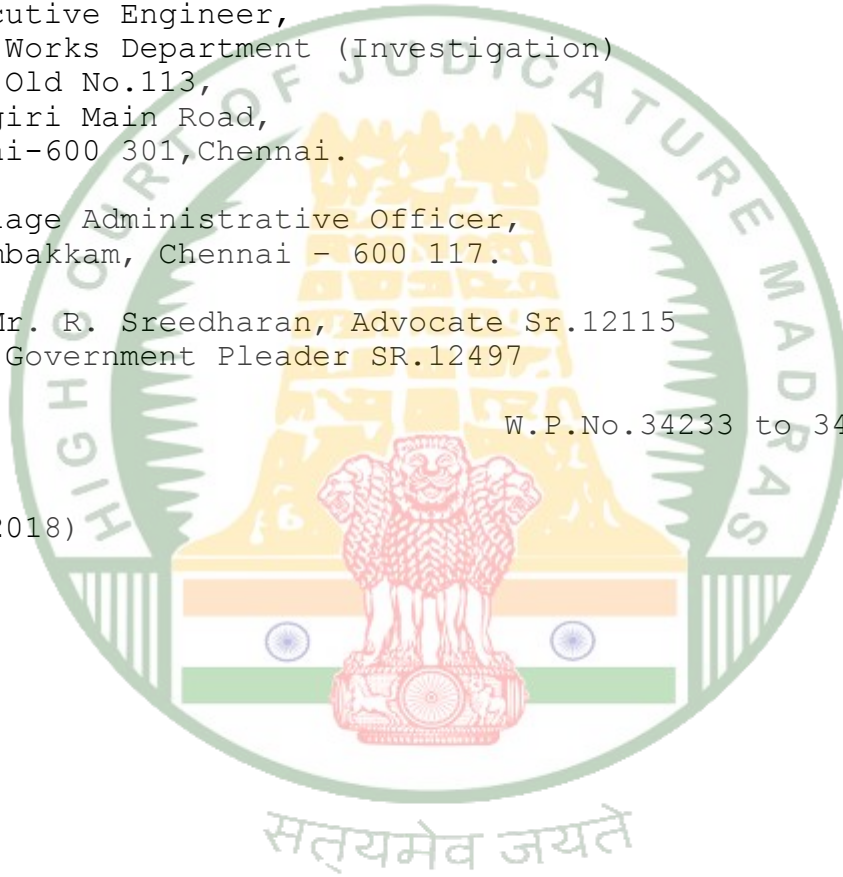
3. The Village Administrative Officer,
Kovilambakkam, Chennai - 600 117.

+ 1 cc to Mr. R. Sreedharan, Advocate Sr.12115

+ 1 cc to Government Pleader SR.12497

W.P.No.34233 to 34235 of 2017

SVI (CO)
EU (27/02/2018)



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