

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.05.2018

CORAM

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

W.P.No.11832 of 2018 and  
W.M.P.No.13812 of 2018

A.V.Dhanapalan

... Petitioner

Vs.

- 1.The State of Tamil Nadu  
rep by its Principal Secretary  
to Government  
Municipal Administration and  
Water Supply Department,  
Secretariat, Fort St.George,  
Chennai - 600 009.
  - 2.The Commissioner of Municipal  
Administration,  
Ezhilagam, Chempauk, Chennai - 600 005.
  - 3.The District Collector,  
Thiruvarur District, Thiruvarur.
  - 4.The Commissioner,  
Mannargudi Municipality,  
Mannargudi, Thiruvarur District.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus forbearing the respondents from interfering with the possession and enjoyment of patta land belong to the petitioner in S.Nos.4128/1, 4133/1, 4134/1, 4138, Kopralayam Village, Mannargudi Taluk, except by due process of law, apart from restoring 20 feet Municipal Channel connecting CMP Channel and Summer Storage Tank at Kopralayam area, Mannargudi Taluk, Thiruvarur District.

For Petitioner :Mr.G.Sankaran  
For Respondents :Mr.S.N.Parthasarathi,  
Government Advocate

O R D E R

The contention of the petitioner herein is that some third parties, at the instance of the adjoining land owners, had obliterated the Municipal Channel and also encroached upon his land, uprooting live trees in his field. When he gave

representation to the District Collector as well as Commissioner, Mannargudi Municipality on 09.04.2018 for taking necessary action against the persons, who have encroached upon the Municipal Channel as well as his land, no action has been taken against them. Therefore, seeks mandamus forbearing the respondents from interfering with the possession and enjoyment of the patta land, which stands in the name of the petitioner herein, except by due process of law.

2.The petitioner, though claims that the alleged encroachment by some third parties is upon the public land as well as his private land, strangely, no information about the persons, who have done the encroachment is disclosed. Further, though it is contended by the learned counsel that the third parties have encroached upon the land and the public land at the instance of the Municipal authorities, no piece of document is placed before this Court that Municipal Authorities have permitted those third parties to obliterate the Channel and lay road.

3.The learned Government Advocate, who represents the respondents herein, would submit that in the affidavit as well as in the typed set of papers, the petitioner claims that he has given representation to the authorities on 09.04.2018, but there is no evidence to show that such representation was sent by the petitioner or received by the respondents.

4.When the materials placed in the affidavit is bereft of details, this Court need not consider this petition, but only could direct the petitioner herein to make proper representation.

5.For the above said reason, this Court is not inclined to entertain this Writ Petition. Hence, the Writ Petition is dismissed. However, it is open to the petitioner to make detailed representation to the authorities concerned to protect his property or approach the Court, if the authorities fail to protect his property. No costs. Consequently, the connected miscellaneous petition is closed.

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Sd/-  
Assistant Registrar/Vacation  
Officer,

//True Copy//

Sub Assistant Registrar

va

To

1.The Principal Secretary to Government  
State of Tamil Nadu  
Municipal Administration and Water Supply Department,  
Secretariat, Fort St.George,  
Chennai - 600 009.

2.The Commissioner of Municipal Administration,  
Ezhilagam, Chepauk, Chennai - 600 005.

3.The District Collector,  
Thiruvarur District, Thiruvarur.

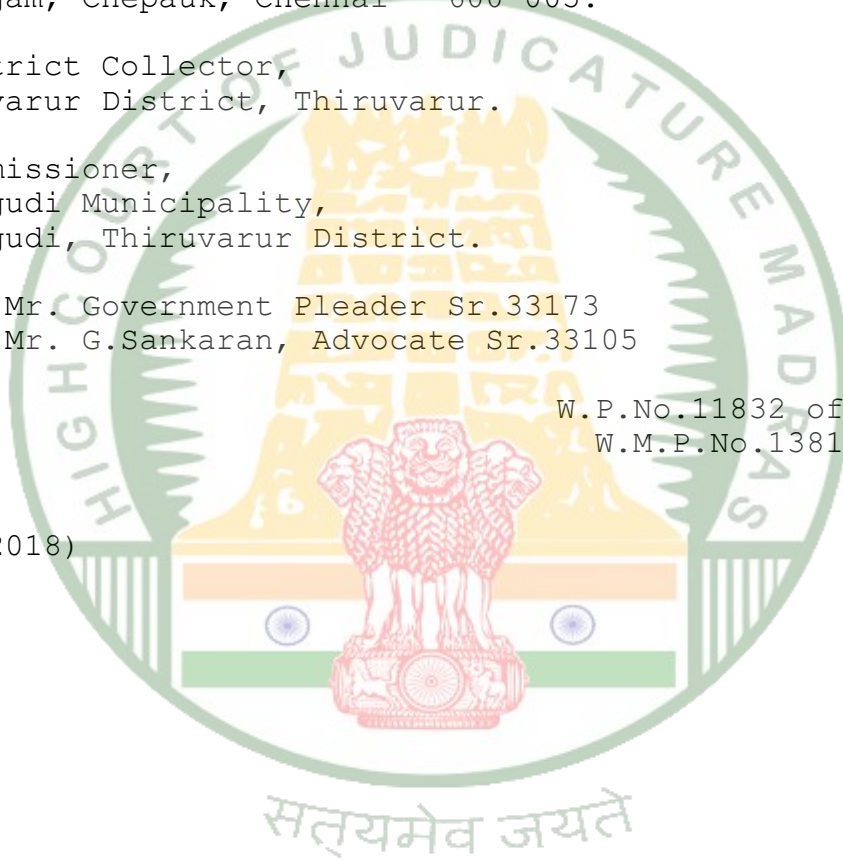
4.The Commissioner,  
Mannargudi Municipality,  
Mannargudi, Thiruvarur District.

+ 1 cc to Mr. Government Pleader Sr.33173

+ 1 cc to Mr. G.Sankaran, Advocate Sr.33105

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RV(CO)  
EU(08/05/2018)



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