

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.05.2018

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No. 12432 of 2018

And

W.M.P.No. 14565 of 2018

K.Audikesavan

..... Petitioner

Vs.

1.The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai - 600003.

2. The Assistant Commissioner,
Greater Chennai Corporation,
Zone - 11, Valasaravakkam,
Chennai - 600087.

3. Chennai Metro Water Supply and Sewerage Board,
Rep. by its Managing Director,
No.1, Pumping Station Road,
Chindatripet,
Chennai - 600002.

4. The Tahsildar,
Maduravoyal Village,
Maduravoyal Taluk,
Chennai - 600095.

..... Respondents

PRAYER Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents and their subordinate or any other officials tracing power under them from any way and in any manner interfering with or disturbing the petitioner's peaceful possession and enjoyment over the petitioner's land to an extent of 2910 square feet in Patta No.3762, Survey No.36/4 and situated at No.82, Alapakkam Road, Madurovayol Village, Madurovayol Taluk, Tiruvallur District without any due process of law.

For Petitioner : Mr.T.Karunakaran

For R1 and R2 : Mr.G.Anantharangan

Senior Counsel for Chennai Corporation

For R3 : Mr.M.Jothikumar
For R4 : Mr.I.Sathish,
Additional Government Pleader

O R D E R

Mr.G.Anantharangan, learned Senior Counsel for Chennai Corporation, takes notice for the respondents 1 and 2; Mr.M.Jothikumar, learned counsel takes notice on behalf of the third respondent and Mr.I.Sathish, learned Additional Government Pleader takes notice on behalf of the fourth respondent.

2. By consent, the main Writ Petition itself is taken up for disposal.

3. The petitioner's grievance is that the respondents are digging Storm Water Drain and he apprehends that the wall, which according to him, belongs to him, would be demolished and there would be acquisition of his property.

4. It is for the fourth respondent, namely, the Tahsildar to take necessary survey to determine whether the petitioner has actually encroached public land. If the petitioner had actually encroached, then the respondents will have to liberty to construct the Storm Water Drain and the petitioner cannot have grievances. If the petitioner had not encroached, then the respondents would have to respect the ownership and title of the petitioner.

5. It is represented that the work is being done only by the first and second respondents. They have the obligation which is mentioned above. The fourth respondent is also under obligation to verify the portion under the possession of the petitioner. It is stated by the learned counsel for the third respondent that the third defendant is not doing the work. The said statement by the learned counsel for the third respondent is recorded.

6. With the above observation, this Writ Petition is disposed. Consequently, connected Miscellaneous Petition is closed. No costs.

sd/-

Asst.Registrar (Vacation Officer)

/true copy/

Sub Asst. Registrar

vsg

To

1. The Commissioner,
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4. The Tahsildar,
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Chennai - 600095.

+3cc to Mr.Karunakaran, Advocate, SR.No.33611

+1cc to Mr.G.Anantharagam, Advocate, SR.No.33628

W.P.No. 12432 of 2018
W.M.P.No. 14565 of 2018

KAN (CO)

RRK (18/05/2018)

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