

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P. 23042 of 2018

1. K.Radhakrishnan
2. K.Thirugnanasampandan ... Petitioners

Vs.

1. The District Collector,
Thiruvallur District.

2. The Commissioner,
Greater Chennai Corporation,
Ripon Buildings,
Chennai-600 003.

3. The Tahsildar,
Ambattur.

4. The Zonal Officer,
Zone-VII,
Corporation of Chennai,
MTH Road, Ambattur,
Chennai-600 053.

5. Kudiyirupor Welfare Commissioner,
(Sundaresan Street - Periyar Street),
rep. by its Secretary Mr.T.S.Gowrisankar,
No.440, B1, SSVK Subham Flats,
Sundaresan Street,
Gnanamoorthy Nagar East,
Ambattur, Chennai-600 053. ... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 3 and 4 to remove the Tar Road to the area measuring 42 sq.mt. In Old S.No.66/1E, Town Survey No.119/5, Block-13, Ward C, Plot No.436, Sundaresan Street, 2nd Avenue, in Gnanamurthy Nagar, Menambedu Village, Ambattur Taluk, Thiruvallur District and hand over vacant possession to the petitioners as per the Report dated : 11.05.2018, bearing Na.Ka.10512018/C1 sent by the Third respondent to the Fourth respondent.

For Petitioners : Mr.S.Baskaran

For Respondents : Mr.R.Govindasamy,
Special Government Pleader
for R1 and R3

Mr.V.C.Selvasekaran,
Standing Counsel for R2 & R4

Mr.P.Pandiyaraj for R5

O R D E R

This Writ Petition has been filed seeking for a direction to the respondents 2 and 3 to remove the road constructed by them in the petitioners' patta land.

2. Earlier, notice was ordered to the respondents. Today, when the matter was taken up for hearing, the learned counsel appearing for the respondents 2 and 4, on instructions, submitted that a road has been laid in the petitioner's patta land and now, the Corporation has removed the road and the possession was handed over to the petitioners.

3. Mr.S.Baskaran, learned counsel appearing for the petitioners submitted that the road has been removed.

4. Mr.P.Pandiyaraj, learned counsel appearing for the 5th respondent association submitted that it is a road used by the 5th respondent members, and now, it has been removed. Apart from that, the learned counsel has also submitted that they have also filed a Civil Suit against the petitioners restraining them from interfering their right and possession.

5. Recording the above submissions and considering the above facts, this Court is of the view that admittedly, as the land belong to the petitioners, the Corporation has now removed the road, and if at all, the 5th respondent association is claiming any right, they can work out their remedy before the Civil Court.

6. With the above said observation, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

rpp

To

1. The District Collector,
Thiruvallur District.
2. The Commissioner,
Greater Chennai Corporation,
Ripon Buildings,
Chennai-600 003.
3. The Tahsildar,
Ambattur.
4. The Zonal Officer,
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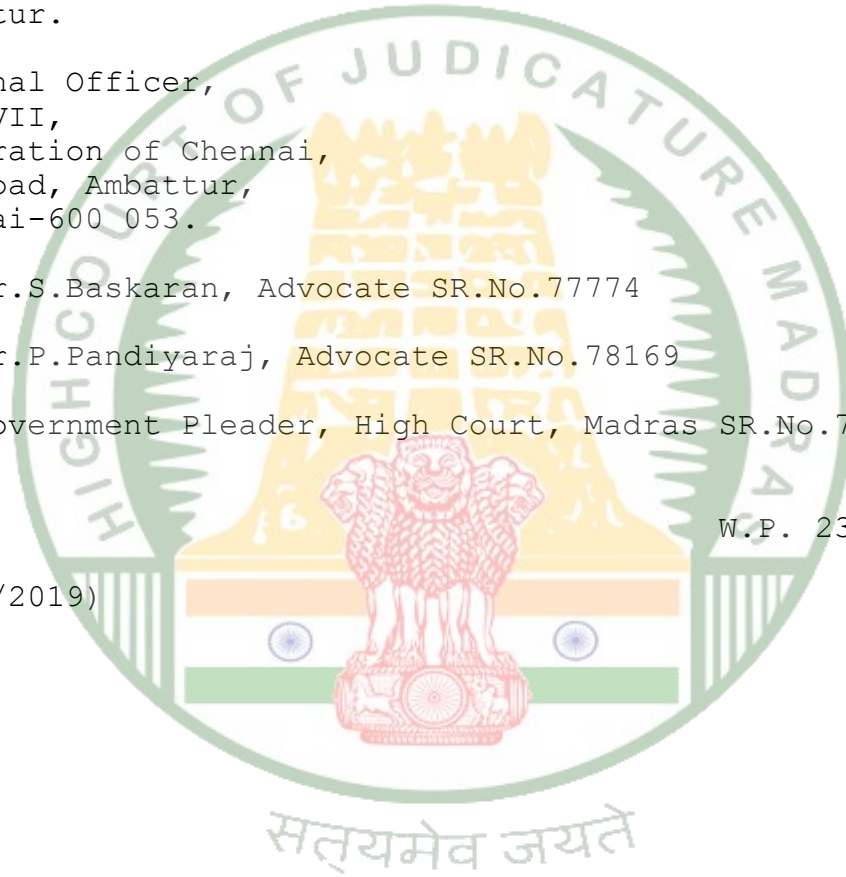
+2cc to Mr.S.Baskaran, Advocate SR.No.77774

+1cc to Mr.P.Pandiyaraj, Advocate SR.No.78169

+1cc to Government Pleader, High Court, Madras SR.No.78337

GP (CO)
GMY (21/01/2019)

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