

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :06.07.2018

CORAM

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

W.P.No.28621 of 2015

and

M.P.Nos.1 & 2 of 2015

and

W.M.P.No.38350 of 2016

S.Indhira

..Petitioner

vs

1.The District Collector,
Kancheepuram District, Kancheepuram.

2.The Revenue Divisional Officer,
Chengalpattu, Kancheepuram District.

3.The Tahsildar,
Thiruporur Taluk, Thiruporur,
Kancheepuram District.

4.The Assistant Divisional Engineer,
(Highways)Construction and Maintenance,
Highways Department,
Chengalpattu, Kancheepuram District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents from demolishing the petitioner's shop situated in Door No.1/113, 1/116 A,B,C in S.No.131/2, Kelambakkam Village, Kelampakkam Main Road, Kancheepuram District unless due process of law.

For Petitioner : Mr.C.Prakasam

For Respondents : M/s.A.Srijayanthi, Spl GP

O R D E R

The relief sought for in this writ petition is to forbear the respondents from demolishing the petitioner's shop situated in Door No.1/113, 1/116 A,B,C in S.No.131/2, Kelambakkam Village, Kelampakkam Main Road, Kancheepuram District unless due process of law.

2.The prayer as such sought for in this writ petition is innocuous. The petitioner claims that based on the settlement deed executed by her father during the year 1987, the petitioner is in occupation of the vacant site situated in S.No.131/2, Kelambakkam Village. Subsequently, the petitioner constructed a shop in the said vacant site. The petitioner claims that she is in possession of Patta and other documents. However, the respondents, at the time of widening the Rajiv Gandhi road (Chennai-Mamallapuram via Thiruporur road) without giving any notice, demolished 10 feet from the road, even though it is a patta land.

3.The grievances of the writ petitioner is that the land was acquired and the said building was demolished illegally by the authorities and no compensation was paid to her.

4.The learned Special Government Pleader made a submission that the petitioner was an encroacher and she was in occupation of the Highways land. Based on the complaint given by the writ petitioner, the Revenue Divisional Officer conducted an enquiry to find out the facts and he found that there was no illegality on the part of the present respondents and also found that the petitioner encroached the land belongs to the Highways Department.

5.Further, it is contended by the learned Special Government Pleader that the property situated at S.No.131/2, Kelambakkam Village, Kelambakkam Main Road, Kancheepuram District, there was an encroachment. Due to rain water drain work, the respondents are removing the illegal occupations in the Highways Department land. Thus, the allegations made by the writ petitioner is baseless. The Tahsildar filed an affidavit also stating that the expansion of road area has been measured once again in the presence of the petitioner and no portion of the land belongs to the petitioner has been touched. Thus, the presumption of the petitioner in this regard is incorrect. The respondents have removed only the encroachment and not the land or portion of the land belongs to the petitioner in relation to which the petitioner possess a patta. It is clarified by the respondents that they have removed only the encroachments and not the patta land.

6.This being the factum and further beyond the officials of the Highways Department, the Revenue officials also conducted an enquiry in the presence of the writ petitioner and clarified the possession.

7.In this view of the matter, no further adjudication needs to be entertained in respect of the claim made by the writ petitioner. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Collector,
Kancheepuram District, Kancheepuram.
- 2.The Revenue Divisional Officer,
Chengalpattu, Kancheepuram District.
- 3.The Tahsildar,
Thiruporur Taluk, Thiruporur,
Kancheepuram District.
- 4.The Assistant Divisional Engineer,
(Highways)Construction and Maintenance,
Highways Department,
Chengalpattu, Kancheepuram District.

+1cc to Mr.C.PRAKASAM, Advocate, S.R.No. 44392

+1cc to the Government Pleader, S.R.No.44604

W.P.No.28621 of 2015

TR(12/07/2018)