

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.No.23478 of 2008

S.Lakshmikanthan,
Rep. By Power Agent,
S.Gopalakrishnan,
No.44, Jeswant Nagar Phase - I,
Mugapair West,
Chennai - 600 058.
...Petitioner

Vs.

1. The Chennai City Municipal Corporation,
Rep. by its Commissioner,
Chennai.
2. The Member - Secretary,
C.M.D.A.,
Egmore, Chennai - 600 008.
3. Mr.Kanniappan,
Councillor 35th Ward,
Ambattur Municipality,
Chennai - 600 058.
...Respondents

[R1 - Impleaded as per order dated 20.06.2012
by KCJ in W.P.No.23478 of 2008]

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, forbearing the respondents in any way from interfering with peaceful possession of the petitioner over property Plot No.17, Jeswant Nagar Extension - III, Mogappair, Chennai either by laying any road or in any other manner for any purpose.

For Petitioner : Mr.N.Poovanalingam
For R1 : Ms.Karthikaa Ashok
For R2 : Mr.N.Sampath
For R3 : No appearance

ORDER

The petitioner has come up with the present writ petition for issuance of a writ of mandamus to forbear the respondents in any way from interfering with the peaceful possession of the petitioner's property, Plot No.17, Jeswant Nagar Extension - III, Mogappair, Chennai by laying road or in any other manner for any purpose.

2. According to the petitioner, he has purchased a plot bearing No.17, Jeswant Nagar, Mogappair, by means of registered sale deed on 16.06.2006. Before purchasing the said plot, the petitioner took sincere efforts to find out as to whether the plot is free from encumbrance. After satisfying with the relevant documents, including the patta produced by the vendor, the petitioner purchased the property.

3. It is further stated that in the first week of November 2007, the Southern side compound wall of the said property was demolished and the petitioner constructed a new compound wall on his own fund. Thereafter, the petitioner came to know that the respondent has proposal to lay a 40 feet road in the Athipattu village by encroaching the property of the petitioner. Hence, the present writ petition.

4. The learned counsel for the first respondent on instructions submitted that the Ambattur Municipality has now been merged with the Corporation of Chennai and the Corporation of Chennai has no proposal to lay road in the land belonging the petitioner.

5. In view of the above submission of the learned counsel for the first respondent, this Court of the opinion that no further adjudication is necessary in this writ petition. Accordingly, the writ petition closed by recording the submissions of learned standing counsel for the Corporation of Chennai. No costs.

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-Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

To

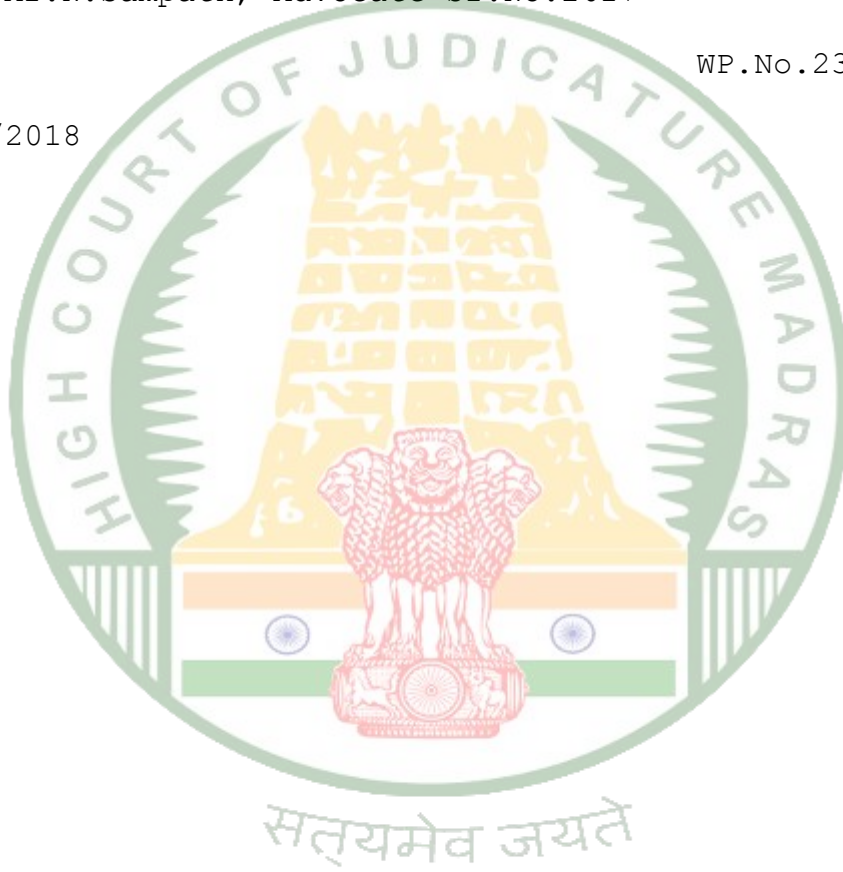
1. The Commissioner,
Chennai City Municipal Corporation, Chennai.

2. The Member - Secretary,
C.M.D.A., Egmore, Chennai - 600 008.

- 1 cc to Mr.N.Pooranalingam, Advocate Sr.No.2453
- 1 cc to Mr.Karthikaa Ashok, Advocate Sr.No.2472
- 1 cc to Mr.N.Sampath, Advocate Sr.No.2617

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CO (NRI)
RRI 03/02/2018



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