

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.07.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYASUNDARAM

W.P.No.13969 of 2012
and MP.No.1 of 2012

N.Indrani

... Petitioner

Versus

1.State of TamilNadu

rep.by Commissioner of Municipal Administration,
Municipal Administration Department,
Ezhilagam Annex, 6th Floor, Chepauk,
Chennai-600 005.

2.The Collector,
Thiruvallur District.

3.The Commissioner,
Avadi Municipality,
Thiruvallur District.

.... Respondents

PRAYER: Writ Petition filed under Article 226 of The Constitution of India praying to issue a writ or order or direction, particularly in the nature of writ of Mandamus forbearing the 3rd respondent or claiming under or through her from laying pipeline inside the petitioner's property save by due process of law.

For Petitioner : Mr.M.Deivanandam

For Respondents: Mr.V.Shanmuga Sundar
Special Government Pleader for R1 and R2

Mr.P.Srinivas for R3

ORDER

Heard Mr.M.Deivanandam, learned counsel for the petitioner and Mr.V.Shanmuga Sundar, learned Special Government Pleader for R1 and R2 and Mr.P.Srinivas, learned Standing counsel for the 3rd respondent and perused the materials available on record.

2. This writ petition has been filed for issuance of a writ of mandamus forbearing the 3rd respondent or their men from laying pipeline inside the petitioner's property.

3. The petitioner would state that he is an absolute owner of the house Plot in Old S.No.154/6D and New S.No.15, RPT No.987 of 2011, Sekkadu Village, Avadi Municipality, measuring an extent of 3118 sq.ft, by virtue of Sale Deeds registered as Doc.Nos.4916/1983 and 5972/1985. The petitioner would allege that on 23.05.2012 at around 06.30 p.m., the 3rd respondent along with officials and Inspector of Police, Avadi Police Station came to his property with JCP/excavator machine, with an intention to lay the pipeline inside his property.

4. The learned counsel appearing for the petitioner would submit that the respondents by abusing the process of law, attempted to enter into the petitioner's land and hence this writ petition has been filed.

5. The 3rd respondent has filed a detailed counter affidavit stating that the work of laying the underground drainage pipeline and water supply lines is being executed by the Chennai Metropolitan Water Supply and Sewage Board along with various roads and streets of Avadi municipal area. The work of laying pipeline was being done along with the road margin between the black topped portion and the adjoining private properties. The JCP machines were used to dig the trenches and remove the various materials available in the alignment of the pipeline.

6. It is further stated that on 23.05.2012, the portion in front of the petitioner's land and the adjoining lands were cleared for laying pipelines. At that juncture, the petitioner started abusing officials of the respondents and hence a criminal case has also been registered against the petitioner's husband. In paragraph No.6 of the counter affidavit, it has been categorically stated that the respondent is not intending to lay the pipeline in the land of the petitioner.

7. Mr.P.Srinivas, learned Standing Counsel appearing for the 3rd respondent by referring the counter affidavit, would state that the respondent has would not lay pipe line in the land of the petitioner.

8. In the light of the counter affidavit filed by the 3rd respondent and the submission of the learned counsel for the 3rd respondent, this Court is of the opinion that no further adjudication is required in this petition and by recording the

counter affidavit filed by the 3rd respondent, the writ petition is closed. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(Audit)

//True Copy//

Sub Assistant Registrar

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To

1.The Commissioner of Municipal Administration,
Municipal Administration Department,
Ezhilagam Annex, 6th Floor, Chepauk,
Chennai-600 005.

2.The Collector,
Thiruvallur District.

3.The Commissioner,
Avadi Municipality,
Thiruvallur District.

+1cc to Mr. Mr.M.Deivanandam, Advocate, S.R.No.46454

+1cc to Mr. Mr.P.Srinivas, Advocate, S.R.No.47670

+1cc to the Government Pleader, S.R.No.47567

W.P.No.13969 of 2012

ba(co)
nr 01/08/2018

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