

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 10.01.2018
CORAM:
THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM
W.P.Nos.34924 & 34925 of 2007 &
M.P.Nos.1 & 1 of 2007

SAM MARBLES & GRANITES,
(Rep. by its Proprietor C.Chintamani),
Door No.20, 200 Feet road,
Korattur Village,
Kolathur P.O.,
Chennai - 600 099.

... Petitioner in
W.P.No.34924 of 2007

C.Vijayakumari

... Petitioner in
W.P.No.34925 of 2007

Vs.

1.The District Collector,
Thiruvallur District at Thiruvallur.

2.The Assistant Divisional Engineer (Highways),
TNUDP Sub-Division I,
Saidapet, Chennai - 15.

3.The Commissioner,
Ambattur Municipality,
Chennai .

... Respondents in
both Writ Petitions

PRAYER in W.P.No.34924 of 2007: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus forbearing the respondents 1 to 3 herein or their men from digging a proposed channel without due process of law or in any way interfering with the petitioner's premises bearing Door No.20, land comprised in Survey No.55/2B2 (Part) admeasuring 21 1/2 cents (9374 sq.ft.) situate at 200 feet Road, Korattur Village, Ambattur Taluk, Tiruvallur District.

PRAYER in W.P.No.34925 of 2007: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus forbearing the respondents 1 to 3 herein or their men from digging a proposed channel without due process of law or in any way interfering with the petitioner's premises bearing Door No.19, land comprised in Survey No.55/2B2 Part, admeasuring 11 cents (4796 sq.ft.) out of 49 cents, situate at 200 feet Road, Korattur Village, Ambattur Taluk, Tiruvallur District.

For Petitioner in
both Writ Petitions :Mr.R.Balakrishnan

For Respondents in
both Writ Petitions : Mr.N.Inbanathan
Additional Government Pleader for R1 and R2
Mr.T.C.Gopalakrishnan
Standing Counsel for R3

C O M M O N O R D E R

The prayer in these Writ Petitions is for issuance of Writ of Mandamus, forbearing the respondents 1 to 3 from digging a proposed channel without due process of law or in any way interfering with the (i) petitioner's (W.P.No.34924 of 2007) premises bearing Door No.20, land comprised in Survey No.55/2B2 (Part) admeasuring 21 1/2 cents (9374 sq.ft.) situate at 200 feet Road, Korattur Village, Ambattur Taluk, Tiruvallur District and (ii) the petitioner's (W.P.No.34925 of 2007) premises bearing Door No.19, land comprised in Survey No.55/2B2 Part, admeasuring 11 cents (4796 sq.ft.) out of 49 cents, situate at 200 feet Road, Korattur Village, Ambattur Taluk, Tiruvallur District.

2. The allegation of the petitioners is that the respondents without following the process have attempted to dig a storm water drain channel on the land of the petitioners. Therefore, the petitioners sent telegram on 10.11.2007 to stop the proposed work. Since there was no response, the present Writ petitions.

3. Heard Mr.R.Balakrishnan, learned counsel for the petitioner Mr.N.Inbanathan, learned Additional Government Pleader appearing for the respondents 1 and 2 and Mr.T.C.Gopalakrishnan, learned Standing Counsel for third respondent, in both Writ Petitions and perused the records.

4. The learned Additional Government Pleader and the learned Standing Counsel for the respondents submitted that the Writ Petitions came to be filed in the year 2006 based on the telegrams dated 10.11.2007 and if the petitioners are still having any grievance, they can submit fresh representations, which would be considered in accordance with law.

5. In the light of the limited prayer sought for in the Writ Petitions and the submissions of the learned Additional Government Pleader and the learned Standing Counsel for the respondents, the Writ Petitions are disposed of with liberty to

the petitioners to give fresh representations, if they have any grievance. If any representation is given, the Authority shall consider and pass orders in accordance with law.

6. With the above direction, these Writ Petitions are disposed of. There is no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

r n s

To

1.The District Collector,
Thiruvallur District at Thiruvallur.

2.The Assistant Divisional Engineer (Highways),
TNUDP Sub-Division I,
Saidapet, Chennai - 15.

3.The Commissioner,
Ambattur Municipality,
Chennai .

+1cc to Mr.T.C.Gopalakrishnan, Advocate Sr.No.2119

+1cc to Government Pleader Sr.No.2394

+1cc to Mr.V.Suriyanarayanareddy, Advocate Sr.No.3026

CNR (CO)

sm:24.1.2018

W.P.Nos.34924 & 34925 of 2007 &
M.P.Nos.1 & 1 of 2007

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