

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.Nos.28084 to 28091 of 2013
M.P.Nos.1 of 2013 (8 nos.)

J.Jayabalan Petitioner in WP.28084/13
K.Muniyandi Petitioner in WP.28085/13
D.Lawrence Petitioner in WP.28086/13
Y.Zakkir Hussain Petitioner in WP.28087/13
G.Prabhu Petitioner in WP.28088/13
Y.Noorjahan Petitioner in WP.28089/13
Smt.Mamutha Begum Petitioner in WP.28090/13
K.Lingamoorthy Petitioner in WP.28091/13

Vs.

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. The Tahsildar,
Sholinganallur Taluk,
Kancheepuram District,
3. The Village Administrative Officer,
Semmancheri,
Chennai - 600 119.
4. The Commissioner,
Corporation of Chennai,
Ripon Building, Chennai - 600 003.
5. The Assistant Commissioner,
Corporation of Chennai,
Zone-15, Chennai - 600 119...Respondent in all the petitions

PRAYER in W.P.No.28084 yo 28091 of 2013: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to forbearing the respondents from interfering with the petitioner's peaceful possession and enjoyment of the property in Survey No.394, 395 at Jawahar Nagar, Ward No.200, Semmancheri, Chennai - 119, except due process of law.

For Petitioner : Mr.A.Rajesh Kanna
in all the Petitions

For Respondents : Mr.V.Shanmuga Sundar,
in all the petitions Spl.G.P.(for RR1 to 3)
Mr.K.Soundera Rajan (for RR4 & 5)

COMMON ORDER

The petitioners have filed these petitions for issuance of a Writ of Mandamus to forbear the respondents from interfering with the petitioners' peaceful possession and enjoyment of the property in Survey Nos.394, 395 at Jawahar Nagar, Ward No.200, Semmancheri, Chennai - 119, except due process of law.

2. Heard the learned counsel for the petitioners, the learned Special Government Pleader appearing for the respondents 1 to 3 and the learned Standing Counsel for the respondents 4 and 5.

3. The learned counsel for the petitioners submitted that the petitioners are now in occupation of the alternative place provided by the respondents. However, the respondents are trying to disturb the possession of the petitioners without due process of law. Hence, the petitioners send representations dated 01.04.2005 and 14.05.2013. Since no favourable reply forthcoming, the present Writ Petitions.

4. The learned counsel for the petitioners submitted that the petitioners would be satisfied, if a direction is issued to the 2nd respondent to consider the representations of the petitioners.

5. The learned Special Government Pleader submitted that the petitioners have not submitted any individual representation to the respondents and it seems that only the Welfare Association has submitted representations on behalf of the petitioners to the District Collector.

6. It is further submitted that if the petitioners give a fresh representations to the 2nd respondent, it would be considered in accordance with law.

7. In the light of the above submissions and the facts of the case, this Court, without going into the merits of the case, directs the petitioners to give individual representations to the 2nd respondent, within a period of two weeks from the date of receipt of a copy of this order. On such receipt, the 2nd respondent shall pass appropriate orders, on merits and in accordance with law, within a period of twelve weeks therefrom, after providing an opportunity of hearing to the necessary parties. Till such time, the respondents are directed to maintain status quo as on date. If representations are not given, the respondents are at liberty to take appropriate action.

8. With the above observation and direction, the Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

pvs

To

1. The District Collector,
Kancheepuram District, Kancheepuram.
2. The Tahsildar,
Sholinganallur Taluk,
Kancheepuram District,
3. The Village Administrative Officer,
Semmancheri, Chennai - 600 119.
4. The Commissioner,
Corporation of Chennai,
Ripon Building, Chennai - 600 003.

5. The Assistant Commissioner,
Corporation of Chennai,
Zone-15, Chennai - 600 119.

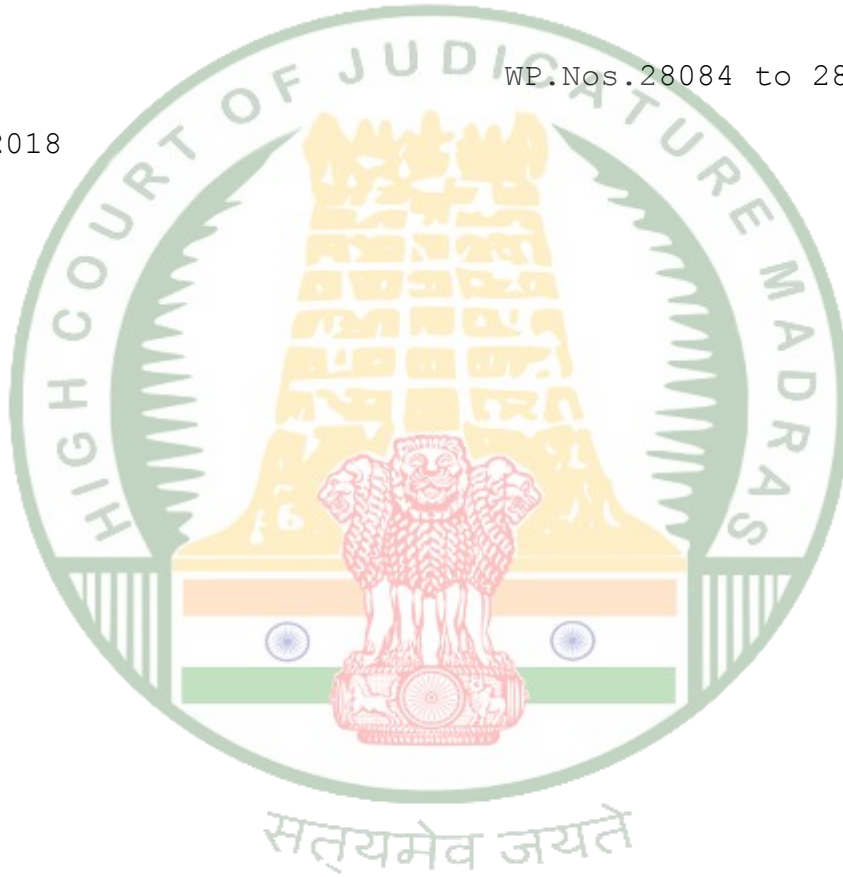
+ 1 cc to Mr.K.Soundera Rajan Advocate,SR.23330

+ 1 cc to M/s.B.Sundarapandiyan, Advocate,SR.22665

+ 1 cc to The Govt.Pleader, SR.23975

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nr 23/04/2018



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