

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 21.06.2018

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.19728 of 2008
and M.P.No.1 of 2008

P.Dilli

... Petitioner

Vs.

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. The Tahsilder,
Chengalput Taluk,
Chengalput.
3. The Commissioner,
Chengalput Municipality,
Chengalput.
4. The Municipal Chairman,
Chengalput Municipality,
Chengalput.
5. The Village President,
Pulippakkam Villagre,
Chengalput Taluk,
Kancheepuram District.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents not to evict and demolish the property of the petitioner, being ground and premises, situated at No.124, Anna Salai Pulippakkam Village, Chengalput Taluk, Kancheepuram District, comprised in Grama Natham Old Survey No.306/20(part), R.S.No.242/5A2C2A (part), present Survey No.243/5B2C2(part), the ground measuring to an extent of 297 sp. mtrs. i.e. 7 1/2 cents (3240 sq. feet), without due process of law.

For Petitioner : Mr.R.Munuswamy
For Respondents : Mr.V.R.Thangavelu
For R3

Mr.R.S.Selvam
Additional Government Pleader

For R1 & R2

R4 - Refused

R5 - No Appearance

ORDER

This Writ Petition has been filed to direct the respondents not to evict and demolish the property of the petitioner, being ground and premises, situated at No.124, Anna Salai Pulippakkam Village, Chengalput Taluk, Kancheepuram District, comprised in Grama Natham Old Survey No.306/20(part), R.S.No.242/5A2C2A (part), present Survey No.243/5B2C2(part), the ground measuring to an extent of 297 Sq. mtrs. i.e. 7 1/2 cents (3240 sq. feet), without due process of law.

2. The petitioner herein had purchased the above property in the year 1995. After obtaining patta and after obtaining necessary approval from the authority concerned, the petitioner had constructed a building in the said land and he was provided with all the basic facilities by the authority concerned. Further, the petitioner had been paying property tax regularly to the 5th respondent and that apart, he had been issued with Ration card and other government recognition to recognise and approve his possession. The petitioner had been in possession and enjoyment of the said property. When that being so, the respondents, suddenly came into the petitioner's property and insisted the petitioner to vacate the premises of the above said property stating that it is a poramboke land and hence, they wanted to demolish the building. Therefore, the petitioner, with no other alternative, has filed this Writ Petition, to direct the respondents not to evict and demolish the property of the petitioner, without due process of law.

3. The learned counsel appearing for the petitioner would submit that the petitioner, namely, P.Dilli, is no more and he was not able to trace the legal heirs of the petitioner and he report no instructions.

4. Based on the above submissions made by the learned counsel for the petitioner, the Writ Petition is dismissed for non prosecution. No Costs. Consequently, the connected miscellaneous petition is closed.

-s/d-

Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

To

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. The Tahsilder,
Chengalput Taluk,
Chengalput.
3. The Commissioner,
Chengalput Municipality,
Chengalput.
4. The Municipal Chairman,
Chengalput Municipality,
Chengalput.
5. The Village President,
Pulippakkam Villagre,
Chengalput Taluk,
Kancheepuram District.

+1 CC to Mr.R. Munusamy, Advocate sr 39255.

+1 CC to Govt. Pleader sr 39579.

W.P.No.19728 of 2008
and M.P.No.1 of 2008

SPD(CO)
SP(30/07/2018)

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