

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P. No.29657 of 2013 &

M.P.No.1 of 2013

Senthilvel

.. Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by the District Collector,
Tiruvallur District.

2.The Tahsildar,
Poonamallee,
Tiruvallur District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to forbear the respondents, their men, agents, servants or subordinates or anybody acting or claiming under them from in any way interfering with petitioner's peaceful possession and enjoyment of the property situated in S.No.198 bearing door No.5/495, Bharathiyar Street, Anna Nagar, Nemilicherry, Thiruninravur.

For Petitioner : Mrs.Selvi George

For Respondents : Mr.N.Manikandan
Government Advocate

O R D E R

Heard Mrs.Selvi George, learned counsel for the petitioner; Mr.N.Manikandan, learned Government Advocate for the respondents and perused the records.

2. The case of the petitioner is that he along with his family members have been residing at Survey No.198, bearing door No.5/495, Bharathiyar Street, Anna Nagar, Nemilicherry, Thiruninravur, for more than two decades. It is further stated that he got electricity service connection for this place and also paying land tax, water tax to the Authorities. While so, all of a sudden, the second respondent started interfering with

the petitioner's peaceful possession and enjoyment of the property. Hence, the present Writ Petition.

3. The learned Government Advocate submitted that the land in Survey No.198 of Nemilichery Village has been classified as "Eri Poromboke" in the Revenue Records. The occupation of the water body has been banned by Government Orders and also by the Hon'ble Supreme Court. So, the petitioner is not entitled for any indulgence of this Court.

4. The learned counsel for the petitioner submitted that if the land is classified as water body, the petitioner can be provided with alternative place.

5. The learned Government Advocate submitted that if a proper representation comes from the petitioner that will be considered in accordance with law. He further submitted that after bifurcation, the land in question comes under the jurisdiction of Tahsildar, Avadi.

6. In the light of the above submissions, the Writ Petition is disposed of with liberty to the petitioner to give a representation to the respondents, seeking alternative place. If such representation is given, the respondents are directed to consider the representation on merits and in accordance with law. There is no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1.The State of Tamil Nadu,
Rep. by the District Collector,
Tiruvallur District.

2.The Tahsildar,
Poonamallee,
Tiruvallur District.

+1cc to the Government Pleader SR.No.18422

+1cc to Mrs.Selvi George, Advocate SR.No.17360

W.P. No.29657 of 2013 &
M.P.No.1 of 2013

SDR 28.03.2018