

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P. No.32471 of 2016 &
W.M.P.No.28169 of 2016

P.Pakkiri

.. Petitioner

Vs.

1.The Corporation of Chennai,
Rep. by its Commissioner,
Rippon Building,
Chennai - 600 003.

2.The Zonal Officer /
Deputy Commissioner,
Zone-7-Ambattur,
The Corporation of Greater Chennai,
Thiruvallur High Road,
Chennai - 600 053.

3.The Assistant Engineer,
The Corporation of Greater Chennai,
Zone-7-Ambattur, Ambattur,
Chennai - 600 053.

4.The Tahsildar,
Ambattur Taluk,
Ambattur, Chennai - 600 053.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to take action on the petitioner representation dated 30.08.2016 consequently forbear the respondents 1 to 3 from utilizing the petitioner's private property measuring 1209.5 sq.ft in Old S.No.1296 PART, Korattur Village without following the due process of law.

For Petitioner : Mr.M.Sivavarthanan

For Respondents : Mr.R.Arunmozhi

Standing Counsel for R1 to R3

Mr.V.Shanmuga Sundar

Special Government Pleader for R4

O R D E R

This Writ Petition has been filed seeking direction to the respondents 1 to 3 to take action on the petitioner's representation dated 30.08.2016 and consequently forbear the respondents from utilizing the petitioner's private property measuring 1209.5 sq.ft in Old S.No.1296 PART, Korattur Village without following the due process of law.

2. Heard Mr.M.Sivavarthanan, learned counsel for the petitioner; Mr.R.Arunmozhi, learned Standing Counsel for the respondents 1 to 3; Mr.V.Shanmuga Sundar, learned Special Government Pleader for the fourth respondent and perused the records.

3. The case of the petitioner is that his father Late Poongavanam purchased a plot measuring 2400 sq.ft. comprised in Survey No.1296 (Part) Korattur Village by a registered sale deed dated 18.12.1970. In a family partition dated 05.06.1991, the property was divided between the petitioner and his brother Arumugam, as such, the petitioner owns 1209.05 sq.ft.

4. The petitioner would further submit that the respondents were digging a canal in the patta land of the petitioner and hence, he gave a representation dated 30.08.2016, requesting them to stop forming a canal in the patta land of the petitioner. Since no action was taken, the present Writ Petition.

5. The second respondent has filed a counter stating that the surplus water from Ambattur Lake has to be taken to Otteri Nallah through North Avenue Canal. Due to heavy rain in the month of November and December 2015, the entire Korattur area was severely affected in view of overflow of water in Ambattur Lake. Hence, Chennai Corporation had decided to de-slit the connecting canals at the cost of Rs.17,73,22,615/-. It is further stated that the contractor was de-slitting near the petitioner's property and since there was an objection, the de-slitting work near the property of the petitioner was stopped. In order to clarify the claim of the petitioner, the Tahsildar, Ambattur Taluk was requested to earmark the boundaries of the canal and after properly surveying the boundaries, the objections of the petitioner would be considered.

6. The Tahsildar, Ambattur has filed a report. The Revenue Inspector, Ambattur Circle has given a letter dated 06.03.2018 stating that the property in Ward No.E, Block No.47, T.S.No.102 was surveyed and there was no construction activities had taken place in the land of the petitioner. They have also filed a sketch in support of the report.

7. In the light of the above facts, the Writ Petition is disposed of, as no further adjudication is necessary in this case. It is needless to state that the respondents are at liberty to carry out required works in the canal and the patta land of the petitioner shall not be utilized without following the process of law. There is no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai - 600 003.
- 2.The Zonal Officer /
Deputy Commissioner,
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The Corporation of Greater Chennai,
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- 3.The Assistant Engineer,
The Corporation of Greater Chennai,
Zone-7-Ambattur, Ambattur,
Chennai - 600 053.
- 4.The Tahsildar,
Ambattur Taluk,
Ambattur, Chennani - 600 053.

+1cc to Mr.R.Arunmozhi, Advocate, S.R.No.17642

+1cc to Mr.M.Sivavarathanan, Advocate, S.R.No.17679

+1cc to the Government Pleader, S.R.No.18414

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GMI (CO)
RRK(04/04/2018)