

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.No.32782 of 2016
& WMP. No.28350 of 2016

C.Aruldoss

...Petitioner

Vs.

1. The Commissioner,
Pallavaram Municipality,
Chrompet, Chennai - 600 044.

2. The Municipal Engineer,
O/o. the Commissioner of Pallavaram Municipality,
Chrompet, Chennai - 600 044. ...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to forbear the respondents from laying road in the petitioner's patta land situated in Survey No.26, Zameen Pallavaram Village, Chennai - 600 117 to an extent of 3 cents except due process of law.

For Petitioner : M/s.A.Rajesh Kanna

For Respondents : Mr.P.Srinivas

ORDER

The petitioner has come up with the present writ petition, seeking direction to the respondents not to lay road in his patta land in Survey No.26, Zameen Pallavaram Village, Chennai -117.

2. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

3. According to the petitioner, his grand father purchased 63 cents in Survey No.26 by a Registered Sale Deed, registered as Document No.2160 of 1957, on the file of the Sub Registrar, Pallavaram.

4. The petitioner would further state that his grand father sold 30 cents out of 63 cents in the year 1958 and based on the Power of Attorney given to one Thangavel and Kumaresan, another 30 cents were sold and the petitioner has acquired the remaining 3 cents in the said property.

5. The petitioner would further state that since an attempt was made by the respondent-Municipality to lay road in the patta land of the petitioner, he issued a legal notice dated 06.09.2016. Since no action was taken, the present writ petition.

6. The learned Standing Counsel for the respondents submitted that the Survey Number in dispute has a large extent and the respondent was not able to identify the property of the petitioner and if a fresh representation is given with particulars, the same would be considered by the respondents.

7. The learned counsel for the petitioner submitted that the respondents without having any authority has attempted to lay road in the patta land of the petitioner and the petitioner is ready to give fresh representation.

8. In the light of the above submissions of the learned counsels, and the prayer sought for in this writ petition, this Court without going into the merits of the case, directs the petitioner to give fresh representation to the 1st respondent within a period of two weeks. On such compliance, the 1st respondent shall consider the representation of the petitioner 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 the petitioner fails to give representation, the respondents are at liberty to proceed in accordance with law.

9. With the above observation and direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

pvs

To

1. The Commissioner,
Pallavaram Municipality,
Chrompet, Chennai - 600 044.
2. The Municipal Engineer,
O/o. the Commissioner of Pallavaram Municipality,
Chrompet, Chennai - 600 044.

+1cc to Mr.A.Rajesh Kanna, Advocate, S.R.No.18677

WP.No.32782 of 2016

KK(CO)

RRK(06/04/2018)



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