

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 16.10.2018

CORAM
THE HON'BLE MR. JUSTICE S.VAIDYANATHAN
and
THE HON'BLE MR. JUSTICE KRISHNAN RAMASAMY

W.P. No.27514 of 2018
and
W.M.P.No.32026 of 2018

B.Jagadeesan

..Petitioner

Vs.

- 1.The State of Tamil Nadu
rep. by its Secretary to Government,
Department of Revenue,
Fort St. George, Chennai.
- 2.The State of Tamil Nadu
rep. by its Secretary to Government,
Department of Public Works,
Fort St. George, Chennai.
- 3.The Collector,
Thiruvarur District.
- 4.The Thasildar,
Ambattur.
- 5.The Director,
Department of Public Works,
Redhills, Chennai - 52.

..Respondents

Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of mandamus directing the respondents herein to consider the petitioner's representation dated 15.10.2018 and consequently direct the respondents not to demolish the property bearing Survey No.4, No.32/66, Bharath Nagar (Sabari Iyappan Nagar), Menambedu Village, Ambattur, Chennai - 53.

For Petitioner : Mr.S.Senthilvel

For Respondents : Mr.V.Kathirvelu

ORDER

(Order of the Court was made by S.VAIDYANATHAN, J.)

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

2.Writ petition has been filed seeking for the issuance of mandamus to direct the respondents herein to consider the petitioner's representation dated 15.10.2018 and consequently direct the respondents not to demolish the property bearing Survey No.4, No.32/66, Bharath Nagar (Sabari Iyappan Nagar), Menambedu Village, Ambattur, Chennai - 53.

3.The petitioner has purchased the property in question in the year 1992 and the same was registered in Doc. No.1397/1992. Thereafter, he has constructed ground floor and first floor and he has been issued with ration cards, voter identity cards and also obtained electricity service connection. Though the land in question comes under the category "odai poramboke", beam notices were issued by the Revenue Department in the year 1967 itself. Between 1987 and 1994, several persons purchased the lands in the said locality under registered sale deeds and petitioner is one among them. While so, on 07.03.2018, the 6th respondent herein has given notice to one Vasanthi stating that she had constructed the house in Eri Poramboke and directed her to remove the encroachment. Apprehending demolition, the petitioner has given representation dated 15.10.2018 to the third respondent not to demolish his house without proper notice. Since no action was taken on his representation, the present writ petition has been filed.

4.Considering the facts and circumstances of the case, the respondents are directed not to demolish the building in question till the issue is decided by the authorities within three months. The procedure shall not be adjourned beyond seven working days at any point of time. If the proceedings are delayed at the instance of the claimants/Petitioners and the proceedings are not completed within three months, electricity supply has to be disconnected forthwith on the expiry of three months and can be restored, if the Petitioner succeeds. However, it is made clear that if there are encroachments in Odai, even before enquiry, there shall be disconnection of electricity to the violated portions after 07.11.2018 in view of ensuing Dusserah and Deepavali festivals. If electricity is not disconnected, disciplinary action need to be taken against the erring officials, which shall be entered in their Service Records. Encroachers in the Odai shall not be shown any

indulgence. If anyone prevents eviction, then police assistance can be taken to remove the encroachments to restore Odai.

5.This Writ Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mmi/aeb

To

- 1.The Secretary to Government,
Department of Revenue,
Fort St. George, Chennai.
- 2.The Secretary to Government,
Department of Public Works,
Fort St. George, Chennai.
- 3.The Collector,
Thiruvarur District.
- 4.The Thasildar,
Ambattur.
- 5.The Director,
Department of Public Works,
Redhills, Chennai - 52.

+1cc to Mr.S.Senthil Vel, Advocate, S.R.No.71531
+1cc to the Government Pleader, S.R.No.71611

W.P.No.27514 of 2018

PPA(CO)

rrs 22/10/2018

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