

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P. 28974 of 2018

and

W.M.P. 33867 of 2018

R.Gopal

... Petitioner

Vs

The Commissioner,
Thiruverkadu Municipality,
Sivan Koil 1st Street,
Thiruverkadu,
Chennai-600 077.

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue appropriate Writs, orders or Directions and in particular issue a Writ of Mandamus, forbearing the respondent from causing any obstruction by putting fence or compound wall etc., in the frontage land of the property i.e. In S.No.9/2 O, Veeraragavapuram Village, Thiruverkadu, Chennai-600 077 till the disposal of the proceedings initiated by the respondent under the Tamil Nadu Public Premises (Eviction of Unauthorised Occupants) Act, 1975 being completed.

For Petitioner : Mr.S.Ganesh

For Respondent : Mr.R.Mohandoss

O R D E R

This writ petition has been filed forbearing the respondent from putting up a compound wall or fence in S.No.9/2 O, Veeraragavapuram Village, Thiruverkadu, Chennai.

2. The grievance of the petitioner is that he is in possession and enjoyment of the property measuring to an extent of 2400 sq.ft. in the above said Survey No.9/2 O, Veeraragavapuram Village. The eastern side of the property in Survey No.9/2 O, there is a vacant land and the petitioner is having frontage right over the said property. Earlier, the respondent issued a show cause notice under Sec.4(1) of the Tamil Nadu Public Premises (Eviction of Unauthorised Occupants) Act, 1975 (hereinafter called as 'Act') calling for objection of the petitioner. In pursuant to the same, the petitioner has also submitted his objection and the enquiry was also over. Now, without passing any order under the said Act, the respondent is taking steps to put up a fence in the frontage land of the property.

3. Mr.R.Mohandoss, learned counsel appearing for the respondent, on instructions, submitted that the petitioner has encroached the property belonging to the Municipality. Hence, a show cause notice under the said Act has been issued, and after receiving the objection of the petitioner, the enquiry was conducted and now, the respondent has to pass order and the respondent is not taking any steps to put up fence in the property as claimed by the petitioner.

4. I have heard and considered the submissions and perused the materials available on record.

5. Considering the fact that as already the enquiry was over, the respondent is directed to pass order on merits and in accordance with law within a period of two weeks from the date of receipt of the copy of this order.

6. In the result, this Writ Petition is disposed of with the above direction. No costs. Consequently, the connected Writ Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

rpp
To
The Commissioner,
Thiruverkadu Municipality,
Sivan Koil 1st Street,
Thiruverkadu,
Chennai-600 077.

+1cc to Mr. R.Mohandoss, Advocate SR.No. 76887

+1cc to Mr.S.Ganesh , Advocate SR.No. 76883

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A.SK(30/01/2019)