IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 28.08.2019
CORAM
THE HONOURABLE Mr.JUSTICE M.DHANDAPANI
W.P.s 1899 & 12475 of 2011
and
M.P.s 1 of 2011

W.P. 1899 of 2011

J.Rajendran ... Petitioner

Vs

1. The District Collector,
Vellore District,
Vellore.

2. The Commissioner,
Gudiyatham Municipality,
Gudiyatham. ... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing the respondents, their men, agents, servants, officials or any person claiming through them from in any manner interfering with the petitioner's peaceful possession and enjoyment in Survey No.965 and situate in Door No.38/A, Raja Singh Street, Sunnumabupet, Gudiyatham, measuring an extent of 1944 sq.ft. either for the purpose of laying canal or for any other purpose, except otherwise than by due process of law.

W.P. 12475 of 2011

1. Chandriah Naidu (Deceased)

2. C. Jayalakshmi

substituted as legal heir in the
place of deceased petitioner
as per order dated 03.04.2013 in
M.P. 1 of 2012. ... Petitioner

Vs

1. The District Collector,
Vellore District,
Vellore.

2. The Commissioner,
Gudiyatham Municipality,
Gudiyatham.

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3. Junior Engineer
Tamil Nadu Electricity Board,
Urban-II, Gudiyattam. ... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing the respondents, their men, agents, servants, officials or any person claiming through them from in any manner interfering with the petitioner's peaceful possession and enjoyment in Survey No.964 of an extent of 394 sq. mts. (4241 sq.ft.) at Old Door No.39 and 40, Rajendra Singh Street, Chunnambupet, Gudiyatham either for the purpose of laying canal or for putting up electric poles or for any other purpose, except otherwise than by due process of law and also direct the respondents to pay a sum of Rs.5,00,000/- as compensation to the petitioner for illegally and unlawfully demolishing the RCC Roof Structures of an extent of 55 x 11 ft.

For Petitioner : Mr.Bharatha Chandravarthy
M/s.Sai Bharath
For Respondents : Mrs.K.Bhuvaneswari,
Addl. Govt. Pleader for R1

Mr. D.Suriyanarayanan for R2

Mr.M.Varunkumar for R3

C O M M O N O R D E R

Today, when the above Writ Petitions taken up for hearing, Mr.Bharatha Chakravarthy, learned counsel appearing for the petitioners would submit that though the petitioners have filed these Writ Petitions praying for a Writ of Mandamus forbearing the respondents, their men, agents, servants, officials or any person claiming through them from in any manner interfering with the petitioners peaceful possession and enjoyment in Survey No.965 and 964, situated at Chunnambupet, Gudiyatham, admittedly, the particular survey numbers and door numbers are belong to the petitioners. However, without authority, the respondents have interfered with the petitioners peaceful possession for widening the road. Against which, the petitioners have filed these Writ Petitions before this Court. Accordingly, he prayed to allow these Writ Petitions.

2. Mr.D.Suriyanarayanan, learned counsel appearing for the 2nd respondent has produced a letter dated 27.08.2019, wherein the disputed lands are in occupation of the petitioners and as on date, the respondents have not taken steps to widen the road.

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However, a liberty may be granted to the petitioners as well as to the 2nd respondent to work out their remedy in accordance with law and if they have encroached the Government poramboke land, the Government is entitled to initiate action in accordance with law and if the petitioners are having title, they can very well produce the documents with regard to their title before the competent authority.

3. On perusal of records, it is seen that the petitioners have filed a Writ Petition seeking for a Writ of Mandamus forbearing the respondents from interfering with the petitioners peaceful possession. However, the learned counsel appearing for both the parties have fairly conceded that if the property belong to the Government, the Government is entitled to take action against the petitioners and similarly, if the petitioners are having title over the property, they can protect the property by producing title documents before the competent authority and they can also work out their remedy in the manner known to law.

4. With the above observation, both the Writ Petitions are disposed of. No costs. Consequently, the Miscellaneous Petitions are closed.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

rpp

To

1. The District Collector,
Vellore District,
Vellore.

2. The Commissioner,
Gudiyatham Municipality,
Gudiyatham.

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3. Junior Engineer
Tamil Nadu Electricity Board,
Urban-II, Gudiyattam.

+1 cc to M/s.Sai & Bharath Advocate sr74725
+1 cc to Mr.M.Varunkumar Advocate sr75212
+1 cc to the Government Pleader sr74673

W.P.s 1899 & 12475 of 2011
and
M.P.s 1 of 2011

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