

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.29268 of 2008

And

M.P.No.1 of 2008

Sheila Jayaprakash ... Petitioner

Vs.

1.The Commissioner
Ambattur Municipality
Chennai 600 053.

2.Chennai Metropolitan Development
Authority,
Singaravelan Maligai,
Gandhi Irwin Road,
Chennai 600 008.

.... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the 1st respondent from in any manner demolishing the property bearing Plot No.69 (part) and 70, Mogappair Village and rebuild the compound wall on the Eastern side of the property that was illegally demolished and pay the petitioner compensation of Rs.10.0 Lakhs.

For Petitioner :Mr.A.K.Sriram for
M/s.A.S.Kailasam and Associates

For Respondents: Mr.S.Saravanan
Standing Counsel for R1
P.Tamilmani for R2

O R D E R

The petitioner has filed this petition seeking issuance of Writ of Mandamus forbearing the first respondent from in any manner demolishing the property bearing Plot No.69 (part) and 70, Mogappair Village and rebuild the compound wall on the Eastern side of the property that was illegally demolished and to pay the petitioner compensation of Rs.10 Lakhs.

2.The petitioner is the owner of a piece of land measuring an extent of 4216 sq.ft. At Plot Nos.69 (Part) and 70 in Survey Nos.158/1A and 152/2 (part) of No.81, Mogappair Village. The petitioner purchased the same by way of two sale deeds in the year 1987. The petitioner has constructed apartments on the said land after obtaining proper approval and permission. Thereafter, the first respondent threatened the petitioner orally that they are going to demolish the property. Hence, the petitioner has filed this writ petition.

3.The learned counsel for the petitioner would submit that without due process of law, no Authority can initiate demolition proceedings. Accordingly, he prayed for appropriate orders.

4.The learned Standing Counsel for the Chennai Corporation would submit that Ambattur Municipality no longer exist and it has been merged with the Chennai Corporation. He would further submit that without due process of law, the petitioner's property cannot be demolished.

5.In view of the above, nothing survives for further adjudication in this writ petition. The writ petition is accordingly closed. However, this Court makes it clear that without due process of law, the petitioner's property cannot be demolished. If the respondents want to take action against the petitioner's property, they are granted liberty to follow the due process of law and proceed in accordance with law.

6.The writ petition is accordingly closed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

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Sub Assistant Registrar

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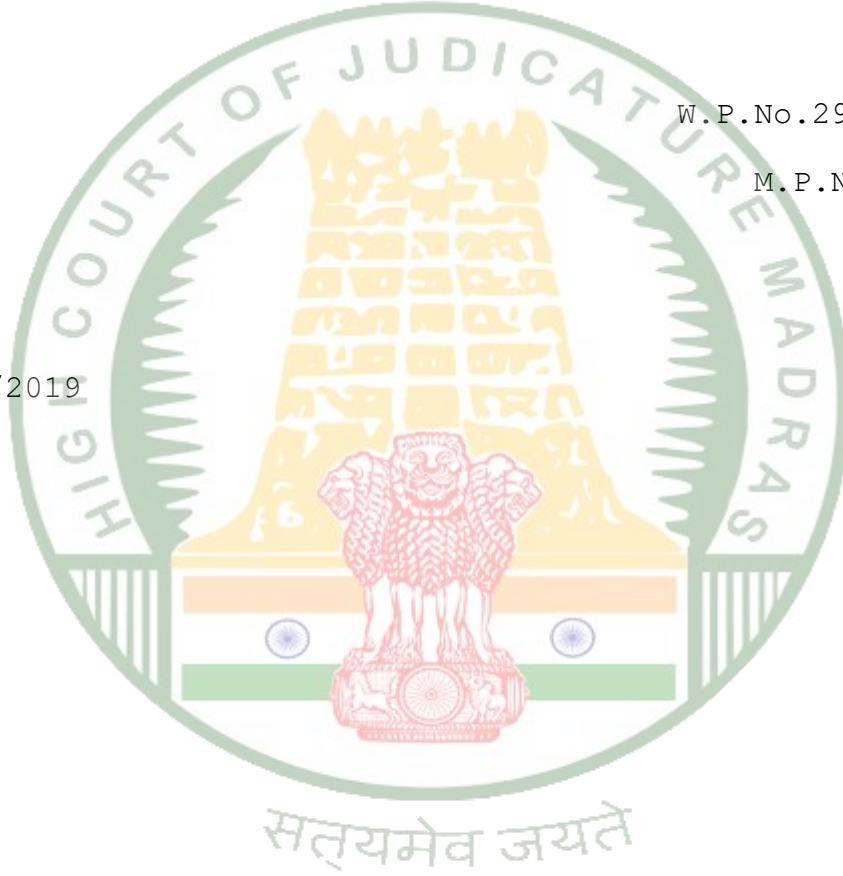
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+lcc to Mr.S.Saravanan, Advocate Sr.51958
+lcc to Mr.A.S.Kailasam & Associates, Advocate Sr.52248

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BS (CO)
srg 27/07/2019



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