

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 27.03.2019
CORAM
THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU
W.P.No.3567 of 2019
and
W.M.P.No.3909 of 2019

Hemalatha

... Petitioner

Vs

The Assistant Engineer,
Public Works Department,
Padappai Section,
Water Resource Organization,
Palar Basin Circle, Padappai,
Chennai - 601 301.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondent and his subordinates from interfering with the petitioner's possession and enjoyment of the premises bearing Plot No.54 in the Teachers Colony 4th Street (now 44th Street), Thillai Ganga Nagar, Chennai - 600 061 measuring 200 sq.mt. or 2153 sq.ft comprised in Survey No.85, T.S.No.267.

For Petitioner : Mr.R.Asokan

For Respondent : Mr.R.Govindasamy,
Special Government Pleader

O R D E R

This writ petition is filed seeking for a Mandamus, forbearing the respondent and his subordinates from interfering with the petitioner's possession and enjoyment of the premises bearing Plot No.54 in the Teachers Colony 4th Street (now 44th Street), Thillai Ganga Nagar, Chennai - 600 061, measuring an extent of 200 sq.mt. or 2153 sq.ft. comprised in Survey No.85, T.S.No.267.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondent.

3. It is apprehended by the petitioner that the respondent is trying to interfere with the possession of the petitioner in respect of the subject matter property without following any due process of law.

4. On the other hand, the learned Special Government Pleader, who took notice for the respondent on the admission day, submitted that the officials of the respondent Department came to the premises only for the purpose of surveying the property. Therefore, this Court directed the respondent to file a counter affidavit.

5. Accordingly, a counter affidavit is filed by the respondent, wherein at Paragraph Nos.5 and 6, it is stated that the petitioner has extended the construction beyond the limit of the patta land and encroached the water body in S.No.104/1, which is the water spread area of the tank much beyond the boundary of her private property and extended the same in the 'periya eri'. It is further stated therein that the respondent has only marked the boundary limit of the periya eri, as per the survey conducted by the Revenue Officials and eviction of encroachment was made by the petitioner would be carried out in accordance with law after receipt of the details of encroachments in the said 'periya eri' and as of now, no action was taken against the petitioner.

6. Since the respondent has come out with such categorical averments in the counter affidavit, this Court is of the view that the apprehension of the petitioner is totally misconceived. Accordingly, this Writ Petition is disposed of, by recording the above submission made by the respondent. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

gsi/mk

To

The Assistant Engineer,
Public Works Department,
Padappai Section,
Water Resource Organization,
Palar Basin Circle, Padappai,
Chennai - 601 301.

+1 cc to Government Pleader SR.NO. 29780

W.P.No.3567 of 2019

A.SK(27/04/2019)