

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2019
CORAM

THE HON'BLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.4244 of 2019

P.Rameshbabu

...Petitioner

Vs.

1. The District Collector (Inspector of Panchayats)
Kancheepuram District.
2. The Commissioner cum Special Officer,
Anakaputhur Municipality,
Kancheepuram District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondent to remove the fencing and the other temporary accessing, which is laid over the petitioner land bearing 65 "A" in S.No.135 part 'GOWRI AVENUE', measuring an extent of 2050 Sq.ft situated at Village No.99, Anakaputhur Village, Saidapet Taluk, (Now at Pallavaram Taluk), Kancheepuram District, comprised in survey No.132/1, 132/2 and 135 (Part), on proper verification of records pertaining to the title of the survey land.

For Petitioner: Mr.J.Pradeep

For Respondents: Mr.R.Govindasamy

Special Government Pleader for R1

Mr.P.Srinivas for R2

सत्यमेव जयते
O R D E R

Mr.R.Govindasamy, learned Special Government Pleader takes notice for the first respondent and Mr.P.Srinivas, learned counsel takes notice for the second respondent. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner seeks for mandamus directing the respondent to remove the fencing and the other temporary accessing, which is laid over the petitioner's land bearing 65 "A" in S.No.135 part 'GOWRI AVENUE', measuring an extent of 2050 Sq.ft situated at Village No.99, Anakaputhur Village, Saidapet Taluk, (Now at Pallavaram Taluk), Kancheepuram District,

comprised in survey No.132/1, 132/2 and 135 (Part), on proper verification of records pertaining to the title of the survey land.

3. Heard both sides.

4. According to the petitioner, the subject matter land purchased by the petitioner is not earmarked for the public purpose, more particularly, as a park, as alleged by the second respondent and on the other hand, it is a property located adjacent to the property earmarked for the park. Therefore, it is contended that the action of the second respondent in fencing the petitioner's property is without having any right or title.

5. This Court, at this stage, is not expressing any view on the merits of the claim made by the petitioner, as it is for the second respondent to consider and decide. The petitioner has not made any representation before the second respondent, on the other hand, he has made the same to the first respondent.

6. Accordingly, this Writ Petition is disposed of, by granting liberty to the petitioner to approach the second respondent and to give a representation within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the second respondent shall consider the grievance of the petitioner and pass orders on the same on merits and in accordance with law within a period of six weeks thereafter. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sni/mk

To

1. The District Collector (Inspector of Panchayats)
Kancheepuram District.

2. The Commissioner cum Special Officer,
Anakaputhur Municipality,
Kancheepuram District.

+1cc to Mr.J.Pradeep, Advocate, S.R.No.13864
+1cc to Mr.P.Srinivas, Advocate, S.R.No.13945
+1cc to the Government Pleader, S.R.No.14651

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BR(CO)

CS/08/03/2019