

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.07.2019

CORAM:

THE HON'BLE MR. JUSTICE P.D.AUDIKESSAVALU
W.P. No.7030 of 2019

Karpagam

... Petitioner

-Vs-

- 1.The District Collector
Kancheepuram District
Kancheepuram.
- 2.The Assistant Director
Survey and Land Records Department
Collector Office,
Kancheepuram District.
- 3.The Chief Engineer
Tamil Nadu Public Works Department
Chepuak, Chennai 5.
- 4.The Executive Engineer
Tamil Nadu Public Works Department
Chengalpattu.
- 5.The Assistant Executive Engineer
Tamil Nadu Public Works Department
Chengalpattu.
- 6.The Assistant Engineer
Tamil Nadu Public Works Department
Padappai.

... Respondents

Prayer:- Writ petition filed under Article 226 of Constitution of India, seeking for a Writ of Mandamus, forbearing the Respondents their men, agents and subordinate from any manner interfering with the Petitioner's peaceful possession and enjoyment of all that property bearing Door No.2/231A, comprised in S.No.1007/1C, measuring 469 sq.ft 5th Cross Street, Manimangalam Village, Sriperumbudur Taluk, Kancheepuram District, except by due process of law.

For Petitioner : Mr. N.Nissaar Ahmed
For Respondents : Mr. M.Karthikeyan
Additional Government Pleader

O R D E R

Heard Mr. N. Nissaar Ahmed, Learned Counsel for the Petitioner and Mr. M. Karthikeyan, Learned Additional Government Pleader for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed for a direction to forbear the Respondents their men, agents and subordinate from any manner interfering with the peaceful possession and enjoyment of the property bearing Door No. 2/231/A, comprised in S. No. 1007/1C, measuring 469 sq. ft., VI Cross Street, Manimangalam Village, Sriperumbudur Taluk, Kancheepuram District by the Petitioner except by due process of law.

3. Learned Additional Government Pleader appearing for the Respondents, referring to the Counter Affidavit dated 15.04.2019 filed by the Respondents, submits that the Petitioner had illegally put up the stray pig shed in the aforesaid property, which is a water body belonging to the Government. It is further contended that in pursuance of the order dated 07.01.2019 in Public Interest Litigation in W.P. No. 8782 of 2017 passed by the Division Bench of this Court, directing all pigs in Padappai locality, where the property occupied by the Petitioner is situated, to be treated as stray animals and dealt with under the Tamil Nadu Panchayats (Licensing of Pigs and Destruction of Unlicensed or Infected Pigs) Rules, 1996, the unauthorised shed put up by the Petitioner for the unlicensed pigs was removed and thereafter, the Petitioner is attempting to re-occupy the said property under the guise of having a cattle shed there, which cannot be permitted, as it would be unhygienic, apart from the fact that it would amount to an unauthorised encroachment.

4. In view of the aforesaid submissions made on behalf of the Respondents, which deserve acceptance, the Writ Petition cannot be entertained and accordingly, the same is dismissed. No costs.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

dna

To

- 1.The District Collector
Kancheepuram District
Kancheepuram.
- 2.The Assistant Director
Survey and Land Records Department
Collector Office,
Kancheepuram District.
- 3.The Chief Engineer
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Padappai.

+1cc to Mr.N.Nissaar Ahmed Advocate, S.R.No.61390
+1cc to the Government Pleader, S.R.No.61198

RK(CO)
CB(13/09/2019)

W.P. No.7030 of 2019

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