

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2019

CORAM

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.12291 of 2018

M.Rajappan

.. Petitioner

vs.

- 1.The District Collector,
Thiruvallur,
Thiruvallur District.
- 2.The Deputy Commissioner of Police,
Ambattur Zone,
Avadi, Chennai.
- 3.The District Revenue Officer,
Thiruvallur,
Thiruvallur District.
- 4.The Revenue Divisional Officer,
Thiruvallur,
Thiruvallur District.
- 5.The Tahsildar,
Avadi Taluk,
Thiruvallur District.
- 6.The Inspector of Police,
T-7, Tank Factory Police Station,
Avadi,
Chennai-600 054.
- 7.Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.
- 8.The Commissioner,
Avadi Municipality,
New Military Road,
Avadi, Chennai - 600 054.

9.V.Edwin Paul

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issue of writ of mandamus directing the 1st to 8th respondents to take necessary action as against the illegal constructions made by the said Mr.V.Edwin Paul, 9th respondent, in the public road known as Amman Koil Main Road comprised in Survey No.508/5, situated at Thirumalai Nagar, Morai Village, Avadi Taluk obstructing movements and removal of the same based on the petitioner's representations dated 21.11.2017 and 17.04.2018.

For Petitioner : Mr.G.Mutharasu

For Respondents : Mr.V.Jayaprakash Narayanan
Government Pleader (i/c)
for respondent Nos.1 to 6

Mr.S.Thiruvengadam
for respondent No.7

Mr.P.Srinivas
for respondent No.8

Mr.Auxilia Peter
for respondent No.9

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

Heard Mr.G.Mutharasu, learned counsel for the petitioner; Mr.V.Jayaprakash Narayanan, learned Government Pleader (i/c) for respondent Nos.1 to 6; Mr.S.Thiruvengadam, learned counsel for respondent No.7; Mr.P.Srinivas, learned counsel for respondent No.8 and Mr.Auxilia Peter, learned counsel for respondent No.9.

2. The petitioner is seeking directions to respondents 1 to 8 to take action against the illegal construction made by the ninth respondent in the public road known as Amman Koil Main Road comprised in Survey No.508/5, situated at Thirumalai Nagar, Morai Village, Avadi Taluk. According to the petitioner, the construction put up by the ninth respondent is obstructing the petitioner's movement, hence the said illegal construction be removed.

3. The learned Government Pleader (i/c.) has tendered an affidavit of the fifth respondent, i.e., the Tahsildar, Avadi

Taluk, wherein it is stated that the land in Survey No.508/5 is not a public property as contended by the petitioner and it is classified as Dry Patta land and the said land as per the revenue records is registered in the name of four persons, as under:

1.	508/5A	0.63.50	Patta 37589	V.S.Rajasekaran
2.	508/5B	0.10.0	Patta 7123	V.Edwinpaul
3.	508/5C	0.10.0	Patta 7124	V.Edwinpaul
4.	508/5D	0.10.0	Patta 3490	R.Gowri

4. It is categorically stated in counter affidavit filed by the fifth respondent that there is no public road in Survey No.508/5 as per the revenue records.

In view of the averments in the counter affidavit filed by the fifth respondent, the writ petition is dismissed. No costs. Consequently, W.M.P.No.14407 of 2018 is closed.

s/d-
Assistant Registrar (CS V)

True Copy

Sub-Assistant Registrar

To:

- 1.The District Collector,
Thiruvallur,
Thiruvallur District.
- 2.The Deputy Commissioner of Police,
Ambattur Zone,
Avadi, Chennai.
- 3.The District Revenue Officer,
Thiruvallur,
Thiruvallur District.
- 4.The Revenue Divisional Officer,
Thiruvallur,
Thiruvallur District.
- 5.The Tahsildar,
Avadi Taluk,
Thiruvallur District.
- 6.The Inspector of Police,
T-7, Tank Factory Police Station,
Avadi, Chennai-600 054.

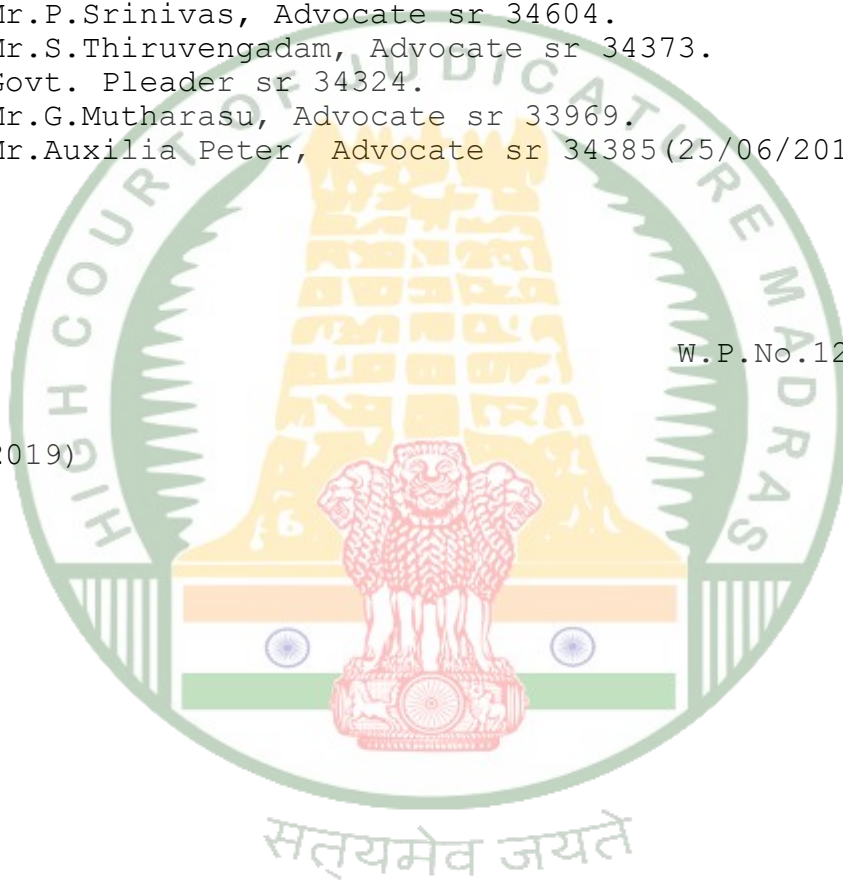
7.The Member Secretary
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

8.The Commissioner,
Avadi Municipality,
New Military Road,
Avadi, Chennai - 600 054.

+1 CC to Mr.P.Srinivas, Advocate sr 34604.
+1 CC to Mr.S.Thiruvengadam, Advocate sr 34373.
+1 CC to Govt. Pleader sr 34324.
+1 CC to Mr.G.Mutharasu, Advocate sr 33969.
+1 CC to Mr.Auxilia Peter, Advocate sr 34385 (25/06/2019)

W.P.No.12291 of 2018

RSI (CO)
SP (03/05/2019)



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