

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2019

CORAM

THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU

W.P.No.11183 of 2019

and

WMP No.11574 of 2019

P.Govindasamy

...Petitioner

Vs.

- 1.State of Tamil Nadu,
rep. by its Secretary to Government,
Fort St.George, Chennai 600 009.
- 2.The District Collector,
Chennai District at
Rajaji Salai, Chennai 600 001.
- 3.The Tahsildar,
Thiruvottriyur Taluk,
Thiruvottriyur, Chennai 600 019.
- 4.The Director of Fisheries,
Fisheries Department,
No.571, Anna Salai, Nandanam,
Chennai 600 035.
- 5.The Assistant Executive Engineer,
Tuna Fishing Project, Fisheries Department,
No.571, Anna Salai, Nandanam,
Chennai 600 035.

...Respondents

Prayer:writ petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus to forbear the respondents and their men from in any manner, interfering with the petitioner's peaceful possession, enjoyment and occupation of the property viz., land, comprised in Survey No.39/2, Thiruvottriyur Taluk, Chennai District, admeasuring East to West both sides 200 feet, North to South, both sides 75 feet, admeasuring 15,000 sq.ft. and Shed bearing Door No.B7, K.R.Sundaram Industrial Estate, Masthan Koil Street, Ennore Express Road, with measurement of 2400 Sq.ft. except by due process of law.

For Petitioner : Mr.K.Premkumar

For Respondents : Mr.R.Govindasamy

Special Government Pleader

O R D E R

This writ petition is filed for a mandamus to forbear the respondents and their men from in any manner, interfering with the petitioner's peaceful possession, enjoyment and occupation of the property viz., land, comprised in Survey No.39/2, Thiruvottriyur Taluk, Chennai District, admeasuring East to West both sides 200 feet, North to South, both sides 75 feet, admeasuring 15,000 sq.ft. and Shed bearing Door No.B7, K.R.Sundaram Industrial Estate, Masthan Koil Street, Ennore Express Road, with measurement of 2400 Sq.ft. except by due process of law.

2. The grievance of the petitioner expressed in this writ petition against the respondents is that they are trying to interfere with the petitioner's peaceful possession and enjoyment of the subject matter land without due process of law. According to the petitioner, the respondents have not resorted to any acquisition proceedings however they are trying to interfere with his possession.

3. On the other hand, in the counter affidavit filed by the fifth respondent, it is stated that there is no proposal to acquire the petitioner's land in Survey No.39/2 in Thiruvottriyur Village, Chennai District at present. If the petitioner land is needed in future, it will be taken by adopting due process of law. The fifth respondent also denied that the respondents are deploying heavy machineries and men to take forcibly the petitioner's immovable properties.

4. In view of the categorical assertions made by the fifth respondent that the petitioner's land is not required by the respondents and there is no proposal to acquire the same and that they are not taking forcible possession of the said land, this writ petition is disposed of, by recording the above statement made by the respondents. No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

vri

To

1. Secretary to Government of Tamil Nadu,
Fort St.George, Chennai 600 009.

2.The District Collector,
Chennai District at
Rajaji Salai, Chennai 600 001.

3.The Tahsildar,
Thiruvottriyur Taluk,
Thiruvottriyur, Chennai 600 019.

4.The Director of Fisheries,
Fisheries Department,
No.571, Anna Salai, Nandanam,
Chennai 600 035.

5.The Assistant Executive Engineer,
Tuna Fishing Project, Fisheries Department,
No.571, Anna Salai, Nandanam,
Chennai 600 035.

+1cc to Mr. K.Premkumar, Advocate SR.No. 41473

+1 cc to Government Pleader Sr.No. 42486

W.P.No.11183 of 2019

A.SK(06/06/2019)

सत्यमेव जयते

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