



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

W.P.No.13972 of 2019

M/s.Annal Dr.Ambedkar Nagar
Residents Association Trust,
Represented by C.K.Gopal, Chairman,
G.N.T.Road,
Madhavaram Village,
Thiruvallur District.

.. Petitioner

Vs.

1. The Thasildar,
Madhavaram Taluk,
Madhavaram,
Chennai-600 060.
2. The District Collector,
Thiruvallur District.
3. M/s.Casagrand Builder Private Limited,
5th Floor, NPL Devi,
New No.111, Old No.59,
L.B.Road,
Thiruvannamiyur, Chennai-600 041.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the 1st and 2nd respondents to consider petitioner's representation, dated 17.09.2018 and to Survey the 3rd respondent Project Area in Survey No.849/2 and also the lands in Survey No.849, 1058, 1061 and 1062 in Madhavaram Taluk, Thiruvallur District by Surveyor to find out the encroachment and consequently remove all the encroachments done by the 3rd respondent.



WEB COPY

For petitioner : M/s.R.Varalakshmi
For respondents : Mr.V.Shanmuga Sundar,
Spl.G.P. for RR-1 and 2
Mr.T.Gowthaman for R-3

ORDER

(The Order of the Court was made by R.Subbiah, J)

The petitioner has filed the above Writ Petition praying for issuance of a Writ of Mandamus to direct the 1st and 2nd respondents to consider petitioner's representation, dated 17.09.2018 and to Survey the 3rd respondent Project Area in Survey No.849/2 and also the lands in Survey No.849, 1058, 1061 and 1062 in Madhavaram Taluk, Thiruvallur District by Surveyor to find out the encroachment and consequently remove all the encroachments done by the 3rd respondent.

2. In the affidavit filed in support of the Writ Petition, it is stated by the petitioner that the third respondent-Company had purchased a property being a vacant land at Madhavaram Village, Madhavaram Taluk, Thiruvallur District, comprised in T.S.No.12, New Survey No.489/2, Block No.49, Ward No.C., measuring an extent of 4 acres 5 cents from one Venkata Rama Rao of Hyderabad, by way of a sale deed dated 09.04.2018 which was registered as Document No.2036 of 2018 at Madhavaram Sub Registrar Office. Under the guise of developing the property, the third respondent has encroached upon the adjacent vacant lands, valuing several Crores of Rupees surrounding its Company's project area, in particular, the third respondent had encroached on the Western side 50 cents of lands, which were left as play-ground for public and others places in Survey No.849, 1058 and 1062. Not only that, the third respondent encroached the road categorised as "Vandi Pathai", Government land in Survey No.1061 at Madhavaram Village, illegally, while the said passage is being used by Annal Dr.Ambedkar Nagar Residents and also other public. The third respondent further encroached and grabbed the Trust property in Survey No.1061, measuring about 40 cents. The third respondent-Company had obtained the land(s) in Survey No.1062 by fraudulent deed without the knowledge of the existing Trustees. In this regard, the petitioner sent a representation to the first respondent on 17.09.2018 to demarcate their property, passage and adjacent lands encroached upon by the third respondent-Company, through Government Surveyor to bring out the truth and restore the property as it is in earlier condition. Since the said representation is not considered, the petitioner has filed the



present Writ Petition for the relief stated supra.

3. The third respondent has filed counter affidavit denying the allegations of the petitioner.

4. Be that as it may. The present Writ Petition has filed only for considering the representation of the petitioner by the respondents 1 and 2. Therefore, without going into the merits of the claim made by the petitioner, this Court directs the respondents 1 and 2 to consider the said representation, dated 17.09.2018 of the petitioner, by affording an opportunity of personal hearing to the petitioner and the third respondent, and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

5. With the above observations and directions, the Writ Petition is disposed of. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

cs

To

1. The Thasildar,
Madhavaram Taluk,
Madhavaram,
Chennai-600 060.

2. The District Collector,
Thiruvallur District.

+1 cc to Mr.T.Gowthaman Advocate sr 105897
+1 cc to Government Pleader sr105810
+1 cc to M/s.Lawin Legal office sr 105191

W.P.No.13972 of 2019

aa21/01/2020