

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2019

CORAM

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

W.P.No.14538 of 2019

Dr.Ambedkar Nagar Kudiyirupor Nala Sangam
(Regn.No.396/2009) Rep. by its President, M.Malathi
No.41, Ambedkar Nagar
Idayanchavadi Village
Manali Pudhu Nagar (PO)
Chennai - 600 103. .. Petitioner

Vs

- 1 The Government of Tamil Nadu
Rep. by its Secretary
Department of Revenue
Fort St. George
Chennai - 600 009.
- 2 The District Collector
Office of the District Collector
Thiruvallur.
- 3 Chennai Metropolitan Development Authority
Rep. by its Chairman
No.1 Gandhi Irwin Road
Egmore, Chennai - 600 008.
- 4 The Tamil Nadu Slum Clearance Board
Rep. by its Chairman
No.5, Kamarajar Salai
Chennai - 600005.
- 5 The Thasildar
Ponneri Taluk
Ponneri.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of mandamus forbearing the respondents from in any manner interfering with the peaceful possession of the members of the petitioner

association listed in Annexure to the Memorandum of Writ Petition of their dwelling houses in the land comprised in Survey Nos.311/1, 331/1, 321/1, 322/1 and 323/1 at No.148, Idayan Savadi Village, Manali New Town Post, Ponneri Taluk, Thiruvallur District.

For Petitioner : Mr.T.Ramkumar

For Respondents : Mr.V.Jayaprakash Narayanan
Government Pleader (i/c.)
for respondents 1, 2 and 5

No appearance
for respondents 3 and 4

ORDER

(Order of the Court was made by M.DURAISWAMY,J.)

The petitioner has filed the above writ petition to issue a writ of mandamus forbearing the respondents from in any manner interfering with the peaceful possession of the members of the petitioner association in respect of the lands in Survey Nos.311/1, 331/1, 321/1, 322/1 and 323/1 at No.148, Idayan Savadi Village, Manali New Town Post, Ponneri Taluk, Thiruvallur District.

2. Admittedly, the individual occupants, who are in possession of the lands in dispute, have not filed the writ petition. Only the association represented by its President has filed the writ petition to issue a writ of mandamus.

3. The learned Government Pleader (i/c.) raised a preliminary objection regarding the maintainability of the writ petition filed by the association for the reason that the individual occupants have not filed separate writ petitions to redress their grievance. That apart, the learned Government Pleader (i/c.) also submitted that the authorities have not issued any notice under the Land Encroachment Act to the encroachers so far.

In view of the submissions made by the learned Government Pleader (i/c.), we are of the considered view that the prayer

sought for in the present writ petition is premature and the same is liable to be rejected. Accordingly, the writ petition is dismissed. No costs. Consequently, W.M.P.No.14526 of 2019 is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To:

- 1 The Secretary
Government of Tamil Nadu
Department of Revenue
Fort St. George
Chennai - 600 009.
- 2 The District Collector
Office of the District Collector
Thiruvallur.
- 3 The Chairman
Chennai Metropolitan Development Authority
No.1 Gandhi Irwin Road
Egmore, Chennai - 600 008.
- 4 The Chairman
Tamil Nadu Slum Clearance Board
No.5, Kamarajar Salai
Chennai - 600005.
- 5 The Thasildar
Ponneri Taluk
Ponneri.

+1 cc to Mr.V.Sakthivel, Advocate, Sr.No. 44565

+1 cc to The Government Pleader, Sr.No. 44711

W.P.No.14538 of 2019

MP(CO)
CSL/27.06.2019