

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2019

CORAM

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

W.P.NO.24022 OF 2018

&

WMP.NO.27984 OF 2018

A.Mariappan

.. Petitioner

Vs

- 1 The District Collector
Thiruvallur District
District Collector Office
Thiruvallur.
- 2 The District Revenue Officer
Thiruvallur District
Thiruvallur.
- 3 The Revenue Divisional Officer
Ambattur
Thiruvallur District.
- 4 The Tahsildar
Maduravoyal Taluk
Maduravayol.

.. Respondents

PRAYER:

Petition under Article 226 of the Constitution of India for issuance of a writ of mandamus forbearing the respondents from interfering with the peaceful possession and enjoyment of property situated at Maduravayol Taluk, Valasaravakkam Village comprised in Survey Nos.102 and 98/1, in Old Patta No.3414, Patta S.No.98/4 and revised Patta No.3470, Patta Survey No.98/5 bearing Door 22A, 1st Street, Kamaraj Avenue, Valasaravakkam, Chennai - 600 087 except by due process of law.

For Petitioner : Mr.T.Gobinath
For Respondents : Mr.S.Kamalesh Kannan
Government Advocate

ORDER

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

Heard Mr.T.Gobinath, learned counsel for the petitioner and Mr.S.Kamalesh Kannan, learned Government Advocate for the respondents.

2. The petitioner seeks direction to forbear the respondents from interfering with peaceful possession and enjoyment of property situated at Maduravayol Taluk, Valasaravakkam Village comprised in Survey Nos.102 and 98/1, in Old Patta No.3414, Patta S.No.98/4 and revised Patta No.3470, Patta Survey No.98/5 bearing Door 22A, 1st Street, Kamaraj Avenue, Valasaravakkam, Chennai - 600 087, except by following due process of law.

3. The learned Government Advocate has filed a counter affidavit, wherein it is stated that demarcation was made by the Taluk Deputy Inspector of Survey on 10.8.2018 and based on the survey it was found that 150 Sq. Mtrs. was encroached by the petitioner by building an apartment. The said apartment is constructed partly in Patta S.No.98/8 and partly encroached in S.No.102 (Kulam classification). It is further stated that the said construction is in highly objectionable water course, hence it was decided to remove the encroachment.

4. The learned Government Advocate made a categorical statement that only after following due process of law, action will be taken for removal of the encroachment put up by the petitioner.

In view of the above statement made by the learned Government Advocate, no further orders are required at this stage. The writ petition is disposed of accordingly. No costs. Consequently, W.M.P.No.27984 of 2018 is closed.

Sd/-

Assistant Registrar(CS II)

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Sub Assistant Registrar

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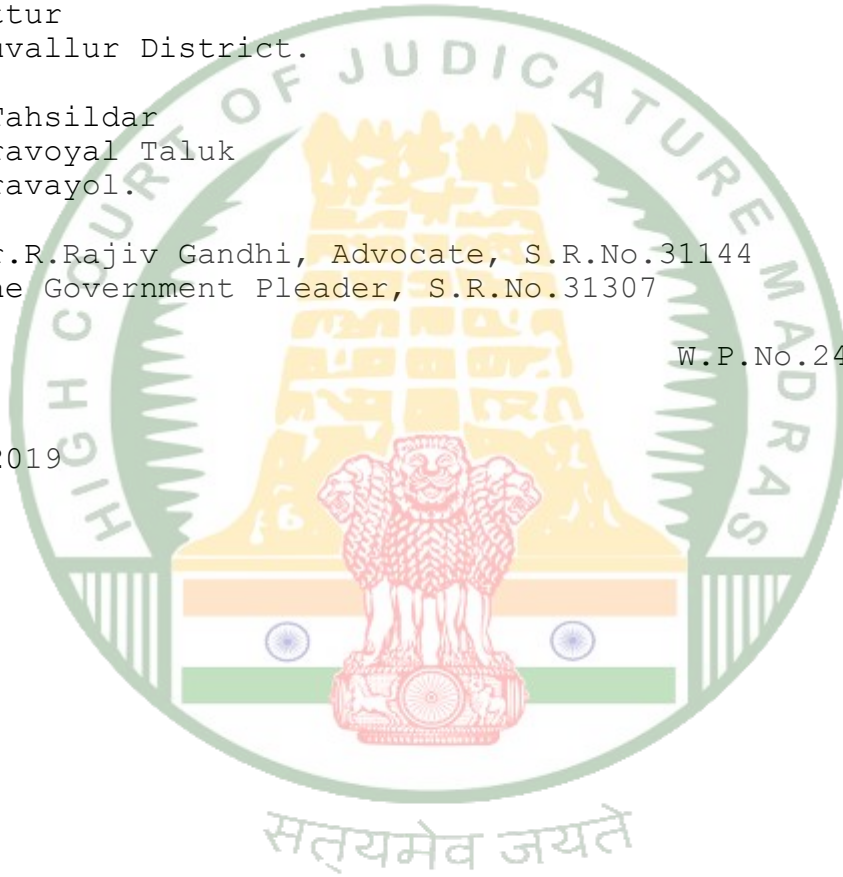
- 1 The District Collector
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Maduravoyal Taluk
Maduravoyal.

+1cc to Mr.R.Rajiv Gandhi, Advocate, S.R.No.31144

+1cc to the Government Pleader, S.R.No.31307

W.P.No.24022 of 2018

SSI (CO)
CS/29/04/2019



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