

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.20469 of 2014
and M.P.No.1 of 2014

S.Ambrose

..Petitioner

Vs

The Divisional Engineer
Highways
Chennai Metropolitan Development Project
Division No.2
Chennai-15

..Respondents

Prayer:- This Writ Petition is filed, under Article 226 of Constitution of India, to issue a writ of Mandamus, forbearing the respondents from demolishing the petitioner's house to the extent of 6 feet in front portion of the said house situated in Door No.1, Saint Peter Road, Lebanonpuram, Erukkancherry, Chennai-118.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.B.Anand, Government Advocate
for sole respondent

ORDER

This Writ Petition is filed praying for a direction to forbear the respondents from demolishing the petitioner's house to the extent of 6 feet in front portion of the said house situated in Door No.1, Saint Peter Road, Lebanonpuram, Erukkancherry, Chennai-118.

2. It is averred in the Writ Petition that to an extent of 10 feet of Petitioner's land was acquired by respondent for widening the service road for construction of the over-bridge. In such circumstances, the Petitioner's front portion of the house was demolished and thereafter, Petitioner constructed the house and 6 feet of the said constructed area is also going to be acquired by the respondent and steps are being taken to demolish the said portion. The Petitioner therefore has come forward with this Writ Petition seeking the aforesaid prayer.

3. Respondent has filed counter affidavit and submitted that construction of bridge work was carried out and opened to traffic in November 2015. But the service road and storm water drain could not be completed in full, due to encroachments. It is further submitted that Petitioner's property is partly required for completing the service road and storm water drain of the above project. The Petitioner has encroached the above land and stalling the completion of the project, since 2011. He has not produced any valid documents to the authorities to prove his ownership. Petitioner vide letter dated 31.08.2016 has sent revenue documents claiming ownership of the property, however, thereafter, the lands have been acquired and bridge work commenced in January 2011. The learned Government Advocate would further submit that the revenue documents received were forwarded to the District Collector, for consideration.

4. On going through the facts and circumstances of the case, it is apparent that the Petitioner did not prove the ownership of the property which has been acquired by the respondent at the time of eviction or at the time of commencement of project. Nevertheless, Petitioner approached the authorities with certain revenue documents claiming ownership on 31.08.2016 at the belated stage. Therefore, if any eviction to be carried out by the respondent, the same shall be carried out in accordance with the provisions of the law.

5. The Writ Petition is disposed of. No costs. Consequently, connected MP is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

nvsri

To

The Divisional Engineer
Highways
Chennai Metropolitan Development Project
Division No.2, Chennai-15

+1cc to Mr.G.Prakasam, Advocate, S.R.No.28455
+1cc to the Government Pleader, S.R.No.29172

WP.20469 of 2014

AD(CO)
RRS (31/05/2019)