

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 25.03.2019

Coram

The Honourable Mr. Justice D.KRISHNAKUMAR

W.P.No.8884 of 2014

and

M.P.No.1 of 2014

K.Lakshmi

...Petitioner

Versus

1.The Corporation of Chennai,
Rep. by its Commissioner,
(Zone XIV, Pallikaranai)
Park Town, Chennai - 600 003.

2.The Assistant Executive Engineer,
Corporation of Chennai,
I.I.T. Colony, Pallikaranai,
Chennai - 600 100.

3.The Junior Engineer,
Corporation of Chennai,
Zone XIV, Pallikaranai,
Unit Office - 43,
Thulukkanathamman Koil Street,
Selvam Nagar, Pallikaranai
Chennai - 600 100.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus forbearing the respondents 1 to 3 from using the Western piece of the petitioner's land comprised in Survey No.378/1A1B situate at Pallikaranai Village, Kancheepuram District standing in Patta No.5088 bounded on the North by 30' Road, South by vacant site belonging to Gangan, East by vacant site belonging to Vedachalam and 30' Road and West by vacant site belonging to Subramanian and Kanniappan as Road connecting 30' Road on the North of the petitioner's property naming it as Vallal Pari 1st Main Road, Pallikaranai, Chennai - 600 100 and directing the respondents 1 to 3 to remove the jelly or blue metal filed and spread over and compacted on an area of 63'x30' in the above said land out of 3,098 sq.ft comprised in Survey No.378/1A1B situate at Pallikaranai Village and remove the name board named as Vallal

Pari 1st Main Road, Pallikaranai and restore its normal status as vacant site making it fit as housing site.

For Petitioner : Mr.J.R.K.Bhavanantham

For Respondents: Ms.Karthika Ashok

O R D E R

The prayer in this Writ Petition is to forbear the respondents 1 to 3 from using the western piece of the petitioner's land comprised in Survey No.378/1A1B situate at Pallikaranai Village, Kancheepuram District standing in Patta No.5088 bounded on the North by 30' Road, South by vacant site belonging to Gangan, East by vacant site belonging to Vedachalam and 30' Road and West by vacate site belonging to Subramanian and Kanniappan as Road connecting 30' Road on the North of the petitioner's property naming it as Vallal Pari 1st Main Road, Pallikaranai, Chennai - 600 100 and directing the respondents 1 to 3 to remove the jelly or blue metal filled and spread over and compacted on an area of 63'x30' in the above said land out of 3,098 sq.ft comprised in Survey No.378/1A1B situate at Pallikaranai Village and remove the name board named as Vallal Pari 1st Main Road, Pallikaranai and restore its normal status as vacant site making it fit as housing site.

2. The learned counsel appearing for the petitioner submitted that the petitioner is the owner of the vacant site comprised in S.No.378/1A1B at Perumal Koil Street, Pallikaranai Village bounded on the North by 30 feet road, South by vacant site belonging to one Mr.Gangan, and East by vacant site belonging to one Vedachalam and 30 feet road and west by vacant site belonging to Subramanian and Kanniappan measuring an extent of 3058 sq.ft bearing in Patta No.5088 admeasuring East to West on either side 44 feet and North to South on Eastern side 76 feet and on the Western side 63 feet.

3. The respondents/Corporation has illegally trespassed into the petitioner's property and initiated the process of laying a 30 feet Tar road without the knowledge and permission of the petitioner. On enquiry with her neighbours, the petitioner came to the know that the respondent had compelled the neighbours so as to encroach the western portion of her property to an extent of 30 feet Road which terminated at Northern side of her property to a length of 63 feet towards South. Therefore, the learned counsel prayed this Court to direct the respondents to remove the jelly or blue metal filled in the petitioner's property and restore it to the normal state

by making it fit as housing site.

4. The learned counsel appearing for the respondents relied on the counter affidavit filed by the respondents, by stating that Pallikaranai Panchayat was merged with Corporation of Chennai vide G.O.Ms.No.97 Municipal Administration & Water Supply Department dated 19.07.2011. Thereafter, the administration of Pallikaranai Panchayat has been taken over by the Corporation of Chennai and based on the complaints received from the residents of Meenakshi Nagar Residents Welfare Association, the Revenue Divisional Officer (RDO), Tambaram conducted an inspection and passed an order vide proceedings No.MO.Mu.408/2013A dated 13.03.2014, cancelling the Pattas issued in Patta Nos.5088, 788, 460, 2269, 2916, 1655, 1900, 14503 & 11504 which includes the petitioner's property, bearing Patta No.5088. Therefore, in the light of the proceedings passed by the Revenue Divisional Officer, dated 13.03.2014, this Writ Petition is liable to be dismissed.

5. Heard the learned counsels on both sides and perused the materials available.

6. It is found from the counter affidavit that the proceedings dated 13.03.2014, was passed after giving an opportunity of hearing to the parties and cancelled the Patta No.5088 standing in the name of the petitioner. The writ petitioner has not impleaded the Revenue Divisional Officer as a party in the writ petition nor placed any material to challenge the aforesaid order passed by the Revenue Divisional Officer, Tambaram. On this ground, this Writ Petition is liable to be dismissed.

7. Considering the facts and circumstances of the case, this Court is not inclined to grant the relief sought for in this Writ Petition and therefore, the same is dismissed. However, liberty is granted to the petitioner to challenge the order passed by the said Revenue Divisional Officer (RDO), Tambaram dated 13.03.2014, before appropriate forum, if so advised. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

mrr

To

1.The Commissioner,
Corporation of Chennai,
(Zone XIV, Palllikaranai)
Park Town, Chennai - 600 003.

2.The Assistant Executive Engineer,
Corporation of Chennai,
I.I.T. Colony, Pallikaranai,
Chennai - 600 100.

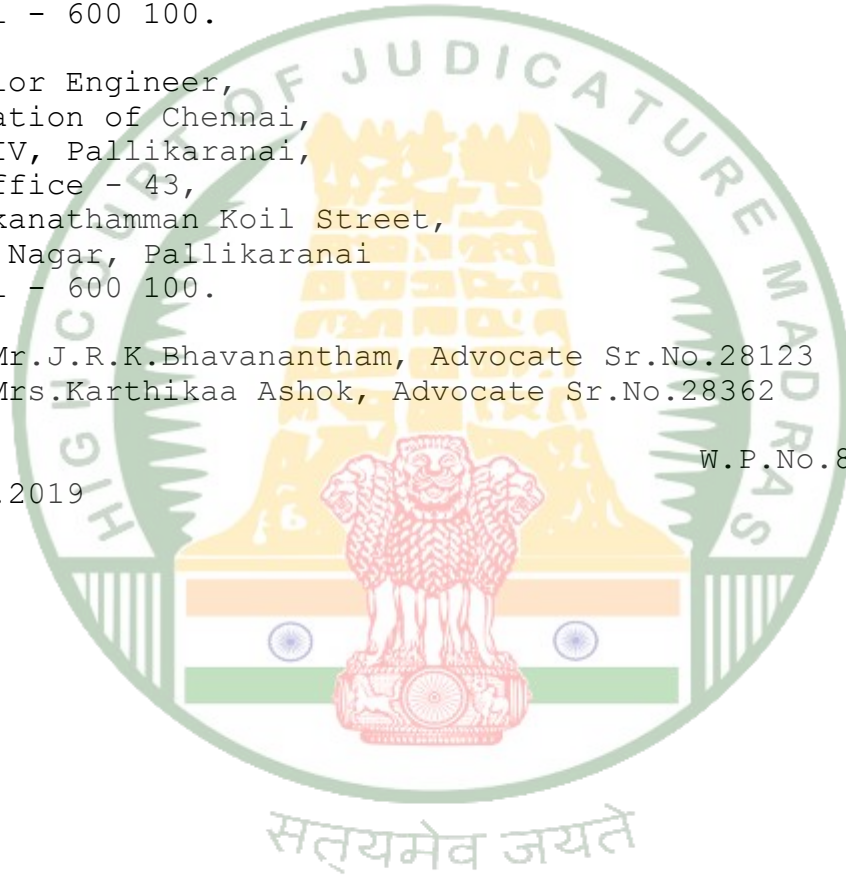
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Selvam Nagar, Pallikaranai
Chennai - 600 100.

+2 cc to Mr.J.R.K.Bhavanantham, Advocate Sr.No.28123

+1 cc to Mrs.Karthikaa Ashok, Advocate Sr.No.28362

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CSL/02.07.2019



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