

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2019

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI
AND
THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.NO.27134 OF 2019

S.Jayasree

.. Petitioner

vs.

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. The Tahsildar,
Taluk Office,
Tambaram, Chennai.
3. The Commissioner,
Pallavaram Municipality,
Chrompet, Chennai 600 044.
4. Muruvammal alias Murugammal .. Respondents

Petition under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the 1st to 3rd respondents to remove the unauthorized and illegal superstructure put up by the 4th respondent situated at Kancheepuram District, Tambaram Taluk, Keelkattalai Village, Balamurugan Nagar Extension, comprised in S.No.327/3, Patta No.786, Plot No.7, measuring an extent of 2405 sq.ft.

For Petitioner : Mr.T.Ramachandran
For R1 & R2 : M/s.S.N.Parthasarathy
Government Advocate.
For R3 : M/s.P.Srinivas
Standing counsel

O R D E R

(Order of the Court was made by DR.VINEET KOTHARI,J.)

The present Writ Petition has been filed to direct the 1st to 3rd respondents to remove the unauthorized and illegal superstructure put up by the 4th respondent situated at Kancheepuram District, Tambaram Taluk, Keelkattalai Village, Balamurugan Nagar Extension, comprised in S.No.327/3, Patta No.786, Plot No.7, measuring an extent of 2405 sq.ft.

2. The learned counsel for the petitioner submitted that the petitioner has purchased the property from the 4th respondent's agent viz., Baskar and also she obtained patta in favour of her. Further, the petitioner has filed a suit in O.S.No.1 of 2010 before the Principal District Munsif Court, Alandur against 4th respondent and her husband and obtained interim order restraining them from interfering with the peaceful possession of the property in I.A. No.2 of 2010 in O.S.No.1 of 2010. Thereafter, the petitioner has filed O.S.No.11 of 2015 and O.S.No.251 of 2015 for recovery of possession illegally occupied by the 4th respondent before the Sub Court, Tambaram. The petitioner sent a representation to the respondents 1 to 3 to remove the encroachment and illegal superstructure. But the respondents had not taken steps against the 4th respondent. Hence, the petitioner has filed the present writ petition before this Court.

3. The learned counsel for the 3rd respondent would submit that the Revenue Authority viz., District Collector, Kancheepuram and Tahsildar, Tambaram had been wrongly impleaded as the respondents in the writ petition and the concerned Commissioner of Pallavaram Municipality had removed the encroachment made by the respondent No.4.

4. Having regard to the submissions made by the learned counsel appearing on either side, we are of the opinion that the present case appears to be filed on behalf of viz., the petitioner and respondent No.4 viz., Muruvammal by seeking relief against the Government officials viz., Pallavaram Municipality.

5. Therefore while dealing with the present writ petition, since the suits are pending before the Civil Court, seeking demolition, the petitioner shall approach the civil Court and if necessary shall implead the Pallavaram Municipality. On such impleadment, the learned Trial Court is directed to consider the objections and decide the dispute between the private parties properly with the intervention of the Pallavaram Municipality.

6. With the above observations, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

kkd

To

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. The Tahsildar,
Taluk Office,
Tambaram, Chennai.
3. The Commissioner,
Pallavaram Municipality,
Chrompet, Chennai 600 044.

+1cc to M/s.P.Srinivas, Advocate, S.R.No.78652

+1cc to Mr.T.Ramachandran, Advocate, S.R.No.78639

+1cc to the Government Pleader, S.R.No.78972

W.P.No.27134 of 2019

SVI (CO)
CS/30/10/2019

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