

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.33014 of 2019
and W.M.P.No.33442 of 2019

G.Rajaram

Petitioner

versus

1.The District Collector,
Office of the Collectorate,
Thaiyarkullam,
Kanchipuram - 631 501.

2.The Chief Executive Officer,
Cantonment Board,
Chakrapani Colony,
St.Thomas Mount,
Chennai - 600 016.

3.The Tahsildar,
Alandur Taluk Office,
Near Alandur Court,
Alandur, Chennai - 600 061.

4.Inbaraj

5.Saraswathy

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 2nd respondent to consider the petitioner's representation dated 14.10.2019 to take necessary action against the 4th and 5th respondents and to conduct a detailed enquiry with regard to the putting up of the illegal construction in encroached area in the cantonment poramboke land, and the public way (road) adjacent to the petitioner's property to an extent 2411 sq.ft. out of 6433 sq.ft. situated at Cantonment Pallavaram Village, Arumalaichavadi Tambaram Taluk, Kancheepuram District, in S.No.123 and bearing GLRS.No.338/752, being bounded on the North by: Munian's House, South by: Road East by: Cantonment Puramboke and Road, West by: Gengan, Ramalingam Vagaiyara's land, in the S.No.123, within a reasonable time as fixed by this Court.

For Petitioner : Mr.M.Velmurugan

For Respondent Nos.1 & 3 : Mr.V.Shanmugasundar
Special Government Pleader

For Respondent No.2 : Mr.Chavanan Mohan
for M/s.King & Patridge

O R D E R

[Order of this Court was made by R.SUBBIAH, J.]

The petitioner has come up with the present Writ Petition for a mandamus, directing the second respondent to consider the petitioner's representation dated 14.10.2019 to take necessary action against the respondents 4 and 5 and to conduct a detailed enquiry with regard to putting up of the illegal construction in encroached area in the cantonment poramboke land, and the public way (road) adjacent to the petitioner's property to an extent 2411 sq.ft. out of 6433 sq.ft. situated at Cantonment Pallavaram Village, Arumalaichavadi Tambaram Taluk, Kancheepuram District, in S.No.123 and bearing GLRS.No.338/752, being bounded on the North by: Munian's House, South by: Road East by: Cantonment Puramboke and Road, West by: Gengan, Ramalingam Vagaiyara's land, in the S.No.123.

2. Today, when the petition is taken up for consideration, the learned counsel appearing for the second respondent / Cantonment Board appeared and submitted that, based on the representation of the petitioner dated 14.10.2019, the second respondent addressed to the Defence Estates Officer, Madras Circle, 307, Anna Salai, Teynampet, Chennai, to conduct a joint survey to demarcate all B4 and B2 lands in the subject locality, which reads as follows;

"4. Further it is pertinent to inform that the subject lands i.e., both the petitioner's land and the 4th and 5th respondent's constructed land appears to be B4 defence lands under the management of your office and also surrounded by B4 defence lands under the management of your office.

5. In view of above, it is requested to conduct a joint survey to demarcate all the B4 and B2 lands in the subject locality since there is no class 'C' land existing in the subject locality."

Further, the notice dated 27.11.2019 was also issued to the respondents 4 and 5 with regard to the unauthorised construction put up by them. Thus, they are in the process of removing the unauthorised construction.

3. In view of the submission made by the learned counsel appearing for the second respondent, we are of the opinion that nothing survives for further adjudication in this Writ Petition.

4. This Writ Petition stands disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sri
To

1.The District Collector,
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Kanchipuram - 631 501.

2.The Chief Executive Officer,
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Chakrapani Colony,
St.Thomas Mount,
Chennai - 600 016.

3.The Tahsildar,
Alandur Taluk Office,
Near Alandur Court,
Alandur, Chennai - 600 061.

+1cc to M/s.King & Partridge, Advocate SR.102124
+1cc to Mr.M.Velmurugan, Advocate SR.1021500
+1cc to the Government Pleader SR.102537

सत्यमेव जयते

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RSV(CO)
CB(27/01/2020)

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