

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.10.2019

CORAM :

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

W.P.Nos.29027 and 26591 of 2017

W.P.No.29027 of 2017:

M/s.Investin Homes,
rep. by its Partner C.Rajasekar,
No.12, Ramgiri Nagar,
Taramani Link Road,
Vellacheri, Chennai-600 042. ... Petitioner

-vs-

- 1.The District Revenue Officer,
Kancheepuram District,
Tamil Nadu.
- 2.The Sub Collector,
Chengalpattu,
Kancheepuram District,
Tamil Nadu.
- 3.The Thasildar,
Thiruporur Taluk,
Thiruporur - 603 110,
Kancheepuram District.
- 4.The Village Administrative Officer,
Padur Village, Tiruporur Taluk,
Kancheepuram District.
- 5.The Inspector of Police,
E-8, Kelambakkam Police Station,
Kelambakkam - 603 103.

6.K.A.Yacoob Ali

7.K.Y.Absal Ahamed

8.K.Y.Ahmed Rasheed

.. Respondents

W.P.No.26591 of 2017:

K.A.Yacoob Ali

.. Petitioner

-vs-

1.The Tahsildar of Thiruporur,
O/o. Tahsildar of Thiruporur,
Thiruporur - 603 110.

2.The Inspector of Police,
E-8, Kelambakkam Police Station,
Kelambakkam-603 103.

3.Village Administrative Officer,
Padur Village,
Tiruporur Taluk,
Kanchipuram District.

4.S.Rajasekar

5.Senthilkumar

.. Respondents

W.P.No.29027 of 2019 filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the third respondent to remove the encroachment in the pathway/road in Survey No.370/153A1 falling under Padur Village No.18, Tiruporur Taluk.

W.P.No.26591 of 2019 filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus forbearing the 2nd respondent from in any way interfering with the civil dispute relating to the property of the petitioner situated in Survey No.370/6G1A2 to an extent of 13.5 ares in Padur Village, Chengalpattu Division and consequently restrain the 1st respondent not to act upon the instruction of the 2nd respondent in surveying the petitioner's land within the period that may be stipulated by this Hon'ble Court.

For Petitioner : Ms.K.Jayasudha
in WP.29027/2017
and Respondent Nos.4
and 5 in
WP.26591/2017

For Petitioner in Mr.S.Nambi Arooran
WP.26591/2017 for M/s.B.Vishnu Chelliya
and Respondent Nos.6
to 8 in
WP.29027/2017

For Respondent Nos.1 : Mr.S.Kamalesh Kannan
to 5 in Government Advocate
WP.29027/2017
and Respondent Nos.1
to 3 in
WP.26591/2017

COMMON ORDER

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

W.P.No.29027 of 2019 has been filed by M/s.Investin Homes, represented by its Partner, Mr.C.Rajasekar, seeking the following relief:

"to issue a Writ of Mandamus directing the third respondent to remove the encroachment in the pathway/road in Survey No.370/153A1 falling under Padur Village No.18, Tiruporur Taluk."

2. W.P.No.26591 of 2019 has been filed by K.A.Yacoob Ali, son of Abuthalib, seeking the following relief:

"to issue a Writ of Mandamus forbearing the 2nd respondent from in any way interfering with the civil dispute relating to the property of the petitioner situated in Survey No.370/6G1A2 to an extent of 13.5 ares in Padur Village, Chengalpattu Division and consequently restrain the 1st respondent not to act upon the instruction of the 2nd respondent in surveying the petitioner's land within the period that may be stipulated by this Hon'ble Court."

3. The learned counsel for the petitioner in W.P.No.29027 of 2017, Ms.K.Jayasudha, submitted that respondents 6 to 8 in W.P.No.29027 of 2017 have encroached upon a public road adjacent to their layout approved by the concerned authorities and, therefore, this encroachment deserves to be removed.

4. Per contra, the learned counsel for respondents 6 to 8 in W.P.No.29027 of 2017, Mr.S.Nambi Arooran, vehemently opposed the above said submission and submitted that they have not encroached the land in question.

5. Compliance reports have been filed in both the writ petitions by the concerned Tahsildar, Thiruporur Taluk, Mr.K.Rajakumar, on 3.1.2019, in which certain encroachments have been pointed out.

6. Having heard the learned counsel for the parties, we are satisfied that the disputed questions of facts with respect to the extent of encroachment, etc., cannot be determined in exercise of the writ jurisdiction under Article 226 of the Constitution of India. Therefore, leaving it free for the parties to ventilate their grievances before the competent Civil Court, we dispose of these writ petitions.

With the above observations, these writ petitions are disposed of. No costs. Consequently, W.M.P.Nos.28305 and 29519 of 2017 are closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To:

1.The District Revenue Officer,
Kancheepuram District,
Tamil Nadu.

2.The Sub Collector,
Chengalpattu,
Kancheepuram District,
Tamil Nadu.

3.The Thasildar,
Thiruporur Taluk,
Thiruporur - 603 110,
Kancheepuram District.

4.The Village Administrative Officer,
Padur Village, Tiruporur Taluk,
Kancheepuram District.

5.The Inspector of Police,
E-8, Kelambakkam Police Station,
Kelambakkam - 603 103.

+2ccs to Ms.K.Jayasudha , Advocate SR.No. 84715

+1 cc to Government Pleader Sr.No. 84497

+1cc to M/s.Ajmal Associates , Advocate SR.No. 83913

W.P.Nos.29027 and 26591 of 2017

A.SK(24/10/2019)



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