

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2019

CORAM :

The Hon'ble Mrs.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.32259 of 2018

P.Sathiya Priya ... Petitioner

-vs-

- 1.The Commissioner,
Greater Corporation of Chennai,
Ripon Building, Chennai.
- 2.The Executive Engineer,
Greater Corporation of Chennai,
Zone-XI, No.123, Arcot Road,
Valasaravakkam,
Chennai - 600 087.
- 3.The Assistant Engineer,
Division-144, Zone-11,
Greater Corporation of Chennai,
Maduravoyal,
Chennai - 600 095.
- 4.The Thasildhar,
Maduravoyal Range,
Alapakkam, Chennai.
- 5.The Commissioner of Police,
Commissioner Office,
Vepery, Chennai-3.
- 6.The Inspector of Police (Law & Order),
K-10, Koyambedu Police Station,
Chennai.

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7.E.Natarajan
8.S.Anbalagan

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the 2nd respondent in Vide Z.O.XI.C.No.E1/10121/2017, dated 20.12.2017 and quash the same and further consequential direct the 4th respondent to inspect, survey and measure the property situate in S.No.127/45, 46A, 127/49A1A1 (New S.No.127/587) of Maduravoyal village and thereby further direct the 3rd and 4th respondents to illegal initiate steps to remove the illegal construction made by the 7th and 8th respondents in Survey No.127/45 and 46A in accordance with law.

For Petitioner : Mr.R.Abdul Mubeen

For Respondent : Mr.R.Arunmozhi
for respondent Nos.1 to 3

Mr.V.Jayaprakash
Narayanan
Government Pleader (i/)
for respondent Nos.4 to 6

Mr.Venkataswamy Babu
for respondent Nos.7 & 8

ORDER

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

Heard Mr.R.Abdul Mubeen, learned counsel for the petitioner; Mr.R.Arunmozhi, learned counsel for respondent Nos.1 to 3; Mr.V.Jayaprakash Narayanan, learned Government Pleader (i/c) for respondent Nos.4 to 6 and Mr.Venkataswamy Babu, learned counsel for respondent Nos.7 and 8.

2. The case of the petitioner is that she had preferred a representation to respondent No.3 on 04.08.2017 as according to the petitioner, respondent Nos.7 and 8 have put up unauthorised construction in Survey No.127/45, Door No.46A, 4th Street, Abirami Nagar, Maduravoyal, Chennai.

3. The said representation of the petitioner was considered by respondent No.2/Executive Engineer, Zone-XI, who passed an order dated 20.12.2017, wherein it is stated that respondent Nos.7 and 8 have not made any construction in Survey No.127/45, Door No.46A, 4th Street, Abirami Nagar, Maduravoyal, Chennai.

4. The counter-affidavit filed by respondent No.4/Tahsildar, Maduravoyal shows that the land i.e., Survey No.127/45, was surveyed by the Taluk Deputy Inspector of Survey on 17.12.2018 and based on his report, it is clear that Survey No.127/45 is in Abirami Nagar Layout of Maduravoyal village and the petitioner holds patta for the same in her name. It is further stated that respondent Nos.7 and 8 have made construction only in their patta land i.e., Survey No.127/49A1A1 and not in the petitioner's land, nor on Government land as claimed by the petitioner.

5. In view of the categorical averments made in the counter-affidavit of respondent No.4/Tahsildar, Maduravoyal, the prayer of the petitioner cannot be granted and the writ petition is dismissed. No costs. Consequently, W.M.P.No.37509 of 2018 is closed.

Sd/-

Assistant Registrar(CS iii)

//True Copy//

Sub Assistant Registrar

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To

1.The Commissioner,
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5.The Commissioner of Police,
Commissioner Office,
Vepery, Chennai-3.

6.The Inspector of Police (Law & Order),
K-10, Koyambedu Police Station,
Chennai.

+1cc to Mr. R.Abdul Mubeen, Advocate SR.No. 18867

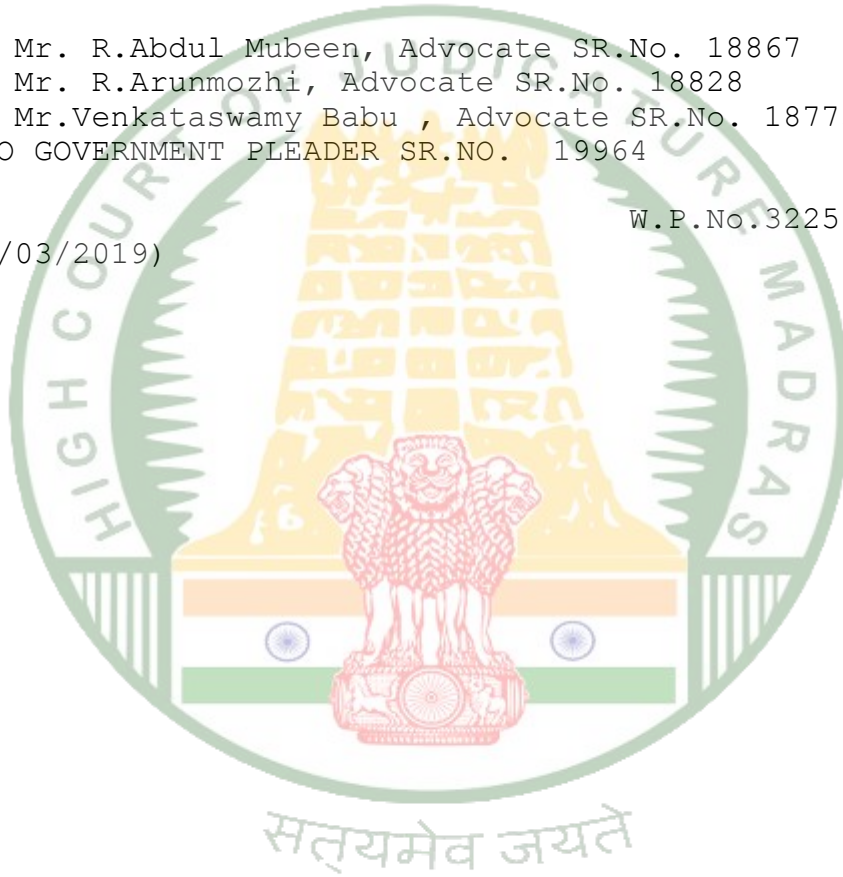
+1cc to Mr. R.Arunmozhi, Advocate SR.No. 18828

+1cc to Mr.Venkataswamy Babu , Advocate SR.No. 18775

+1 CC TO GOVERNMENT PLEADER SR.NO. 19964

W.P.No.32259 of 2018

A.SK(18/03/2019)



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