

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2019

CORAM :

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.32399 of 2018 and

W.M.P.No. 37594 of 2018

P.Harish

.. Petitioner

v.

1 The Tahsildar
Alandur Taluk
Alandur Chennai-016.
(Cause Title amended vide court order
dt 11/12/2018 made in WMP.No.38165/18 in
WP.No.32399/18)

2 The Inspector of Police
T.4 Mankadu Police Station
Mankadu Chennai

3 Casagrand Builder Pvt Ltd(Corporate Officer)
Rep by its Managing Director
New No.111, Old No.59
NPL Devi Building, 4th Floor
L.B.Road, Thiruvannamiyur
Chennai-600 041

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 to 2 herein to remove the encroachment made by the 3rd respondent of 30 feet public road in Survey No 79/3 New Survey No.79/25 and 9 X 40 feet equal to 360 sq.ft of petitioners land situated at Mugalivakkam Village Sriperumbadur Taluk Kancheepuram District Pursuant to the Complaint to the 2nd respondent dated 27.08.2018 and representation to the 1st respondent dated 05.10.2018.

For Petitioner
For Respondents

: Mr.K.Dhananjayan
: Mr.V.Jayaprakash Narayanan
Govt. Pleader (i/c) - for R1 & R2

Mr.S.Ramesh - for R3

O R D E R
(Order of the Court made by M.DURAISWAMY,J.)

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus directing the respondents 1 to 2 to remove the encroachment made by the 3rd respondent in 30 feet public road in Survey No. 79/3, New Survey No.79/25 and an extent of 360 sq.ft of petitioner's land situated at Mugalivakkam Village, Sriperumpudur Taluk, Kancheepuram District, pursuant to the Complaint given to the 2nd respondent dated 27.08.2018 and representation to the 1st respondent dated 05.10.2018.

2. It is the case of the petitioner that the 3rd respondent had encroached the land in Survey No. 79/3, New Survey No.79/25 and therefore, the respondents 1 and 2 to remove the encroachment made by the 3rd respondent.

3. The 1st respondent, Tahsildar, Alandur Taluk, filed a counter wherein it has been stated that the land in Survey No.79/25 stands in the name of M/s. N.Doss and P.Hari under patta No.2429. Further the 1st respondent has stated that the petitioner has filed a Civil Suit in O.S.No.206 of 2018 on the file of the District Munsif Court, Sriperumpudur, for permanent injunction as against the 3rd respondent and the same is pending.

4. Since the 1st respondent has specifically stated that the land in Survey No.79/25 belongs to the private parties and patta was also issued in their favour, if the 3rd respondent had encroached the said land, the remedy open to the petitioner is to file a Civil Suit for appropriate remedy. In these circumstances, we are not inclined to entertain the Writ Petition. Accordingly, the Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed. सत्यमेव जयते

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Rj

To

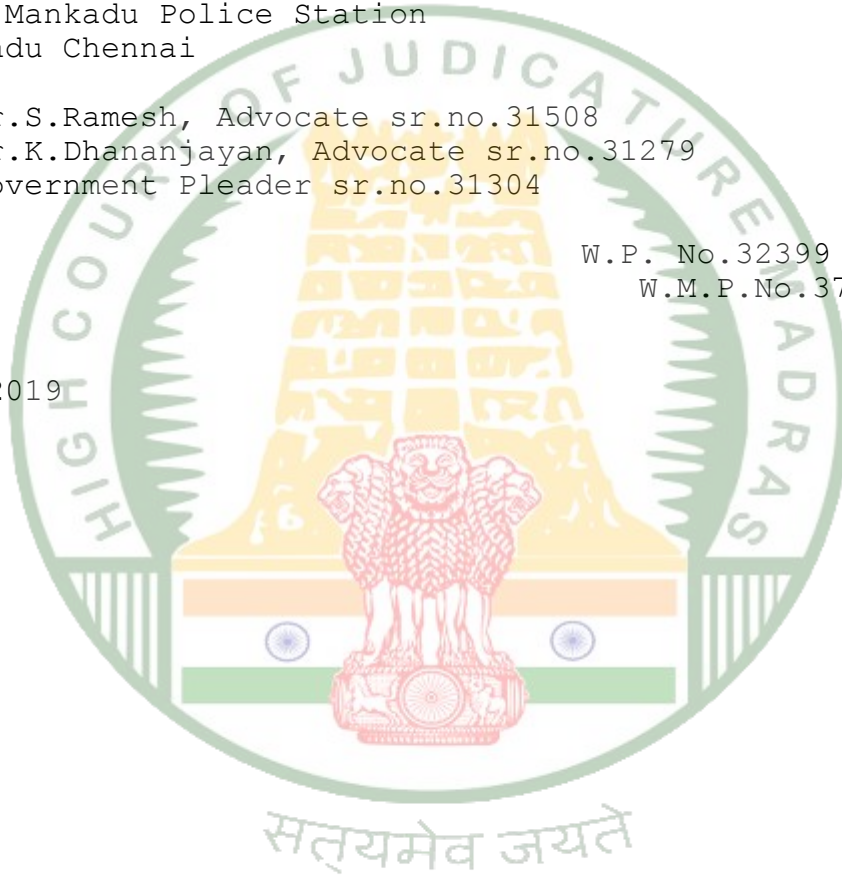
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Mankadu Chennai

+1cc to Mr.S.Ramesh, Advocate sr.no.31508
+1cc to Mr.K.Dhananjayan, Advocate sr.no.31279
+1cc to Government Pleader sr.no.31304

W.P. No.32399 of 2018 and
W.M.P.No.37594 of 2018

vba(co)
nr 03/05/2019



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