IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2019

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAISWAMY

W.P. No.33716 of 2018

S.Sermakani

.. Petitioner

v.

1. The Executive Officer,
   Cantonment Board
   Pallavaram, Chennai- 600043.

2. The Executive Officer,
   Cantonment Board,
   St. Thomas Mount, Chennai-600043

3. The Superintending Engineer,
   TANGEDCO,
   Cantonment Pallavaram,
   Chennai-600043

4. Islamia Ilaignar Narpani Mandram
   Mosque Building, No.100, Bazaar Road
   Cantonment Pallavaram,
   Chennai-600043 .. Respondents

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Writ Petition filed under Article 226 of the Constitution of India praying to issue of Writ of Mandamus to direct the respondents 1 and 2 to remove the encroachment made by 4th respondent at the junction of Bazzar land and Market Road, Cantonment-Pallavaram, Chennai-600043.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mr.Chevan Ch Mohan - for R1 & R2
for M/s. King and Patridge

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Mr.S.K.Rameshwar - for R3
Standing counsel
Mr.V.Vijayakumar - for R4

O R D E R

(ORDER OF THE COURT WAS MADE BY M.DURAISWAMY, J.)

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus to direct the respondents 1 and 2 to remove the encroachment made by 4th respondent at the junction of Bazzar land and Market Road, Cantonment-Pallavaram, Chennai.

2. It is the case of the petitioner that the 4th respondent had encroached the land belonging to the respondents 1 and 2 and therefore, the respondents 1 and 2 to take steps to remove the encroachment made by the 4th respondent.

3. The respondents 1 and 2 have filed their counter, wherein it has been stated that by order dated 03.10.2017, under section 5 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 the 4th respondent was called upon to vacate the unauthorised occupants of the land. Further, the respondents 1 and 2 have stated that as against the said order, the 4th respondent has filed an appeal before the Principal District Court, Chengalpattu in C.M.A.No.31 of 2017 under Section 9 of the Act and the same is pending.

4. From the above, it is clear that the respondents 1 and 2 have already taken steps to remove the encroachment by issuing the order dated 03.10.2017 and that an appeal is also pending before the Principal District Court, Chengalpattu as against the same.

5. In view of the above, we find no reason to give further direction to the respondents 1 and 2. However, we direct the Principal District Court, Chengalpattu to dispose of the appeal in C.M.A.No.31 of 2017 on merits and in accordance with law.

With these observations, the Writ petition is disposed of. No costs.

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Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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Rj

To

1.The Principal District Judge,
Chengalpattu.

2. The Executive Officer,
Cantonment Board
Pallavaram, Chennai- 600043.

3. The Executive Officer,
Cantonment Board,
St. Thomas Mount, Chennai-600043

4. The Superintending Engineer,
TANGEDCO,
Cantonment Pallavaram,
Chennai-600043

+1cc to Mr.S.K.Rameshuwar, Advocate sr.32433
+1cc to Mr.V.Raghavachari, Advocate sr.32411
+1cc to M/s.King & Partridge, Advocate sr.32351

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