

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.25987 of 2012
and M.P.Nos.1 & 2 of 2012

A.Khalid Ahamed

...Petitioner

vs.

1. The Collector,
District Collector's Office,
Dr.Singaravelar Malligai,
Rajaji Salai, Chennai - 600 001.
 2. The Special Tahsildar (LA),
Chennai (Unit-1) Chennai Metro Rail Limited,
 3. The Chief General Manager (CMRL)
 4. The Managing Director,
The Chennai Metro Rail Limited.
-Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for an issuance of Writ of Certiorari Mandamus to call for and quash the proceedings of the third respondent RC.9/LND/CMRL/2012, dated 13.07.2012 as unconstitutional and ultravires direct the respondents to provide 8 feet exclusive passage to the petitioner's land at T.S.No.59, Block No.58, New Door No.8, Old Door No.8, Anna Salai, Little Mount, Chennai 600 015 from Anna Salai Chennai - 600 002.

For Petitioner : Mrs.Auxilia Peter

For Respondent : Mrs.K.Bhuvaneswari
Nos.1 to 3 Additional Government Pleader

For Respondent : M/s.Jeyesh B.Dolia
No.4

ORDER

This writ petition has been filed for the relief of certiorarified mandamus to quash the letter dated 13.07.2012 of the third respondent and consequently, grant eight feet passage to the petitioner's property.

2. Today when the matter was taken up for hearing, the respondents 3 and 4 have filed an affidavit of G.Rajarathinam, the Chief General Manager (HR) stating that five feet passage leading to the main road which is being used by the petitioner ever since 2012 will not be disturbed by the third and fourth respondents in the future also. The paragraph 5 of the affidavit is extracted hereunder:

"5. I respectfully submit that this Hon'ble Court had directed the respondent CMRL to file an affidavit that the said passage of 5 feet leading up to the main road which the petitioner has been using since 2012 will not be disturbed in the future. In furtherance of the same it is submitted that the petitioner has been using the passage leading up to the road for the past 8 years and CMRL has never interfered with the said usage in any manner at any point of time and the position will not be altered. A photograph showing the over-all passage and the road is also annexed with this affidavit to assist the Hon'ble Court."

3. The learned counsel for the petitioner on instructions is satisfied with the affidavit filed by the respondents 3 & 4.

4. Recording the statement of the third and fourth respondents that the petitioner's usage of five feet passage leading to the main road shall not be disturbed, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sms

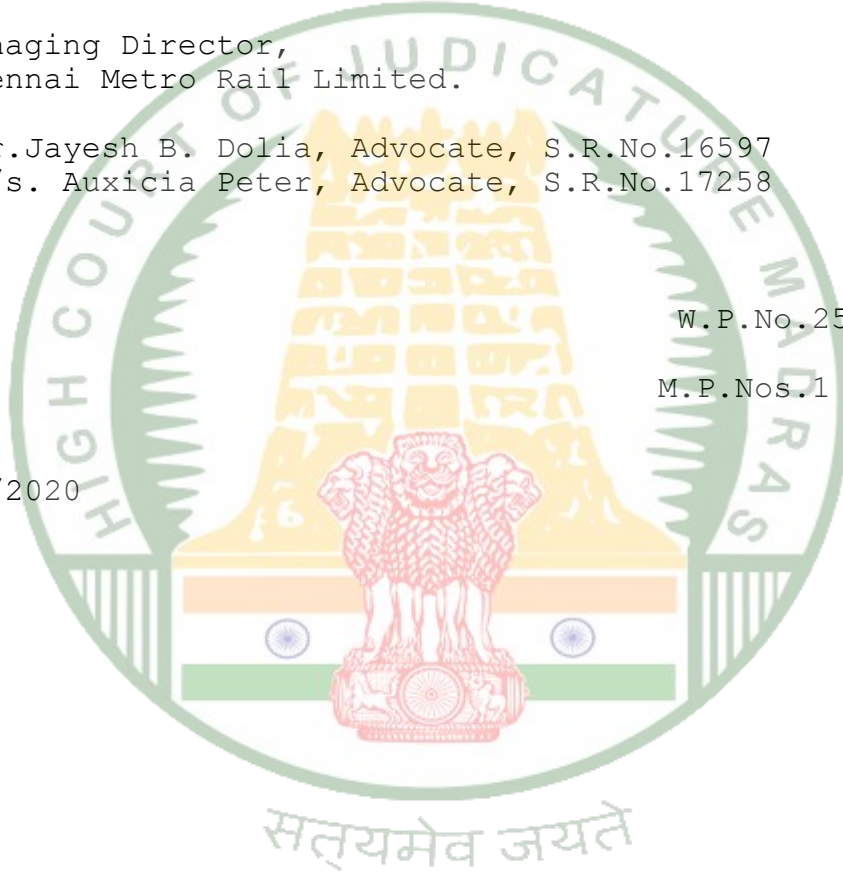
To

1. The Collector,
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Dr.Singaravelar Malligai,
Rajaji Salai, Chennai - 600 001.
2. The Special Tahsildar (LA),
Chennai (Unit-1) Chennai Metro Rail Limited,
3. The Chief General Manager (CMRL)
4. The Managing Director,
The Chennai Metro Rail Limited.

+lcc to Mr.Jayesh B. Dolia, Advocate, S.R.No.16597
+lcc to M/s. Auxicia Peter, Advocate, S.R.No.17258

W.P.No.25987 of 2012
and
M.P.Nos.1 & 2 of 2012

SR(CO)
KKV/21/05/2020



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