

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:19.02.2020

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THE HONOURABLE MR.JUSTICE C.V.KATHIKEYAN

W.P.Nos.6261 and 6475 of 2019
and

W.M.P.Nos.7100, 7214, 7291 and 7294 of 2019

W.P.No.6261 of 2019:-

R.Sivasankaran ... Petitioner

vs.

1. The Tamil Nadu Housing Board,
Rep. By Managing Director,
Mount Road, Nandanam, Chennai-35.

2. The Executive Engineer,
Tamil Nadu Housing Board,
Anna Nagar Division,
Thirumangalam, Chennai-101.

.... Respondents

Prayer in W.P.No.6261 of 2019:- Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to remove the compound wall newly put up by them in the petitioner's property, viz., all that premises measuring 67 cents, being comprised in S.No.1169/1B, Korattur Village, Saidapet Taluk, Chengalpattu District, now Ambattur Taluk, Tiruvallur District, to enable the petitioner to enjoy her property and consequently direct the respondents and their subordinate officials not to interfere with the petitioner's land or any part thereof.

W.P.No.6475 of 2019:-

M.Rajeswari

... Petitioner

vs.

1. The Tamil Nadu Housing Board,
Rep.by Managing Director,
Mount Road, Nandanam, Chennai-35.

2. The Executive Engineer,
Tamil Nadu Housing Board,
Anna Nagar Division,
Thirumangalam, Chennai.

... Respondents

Prayer in W.P.No.6475 of 2019:-Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to remove the compound wall newly put up by them in the petitioner's property, viz., land measuring 35 cents being southern portion of Survey No.1169/1A, Korattur Village, Saidapet Taluk, Chengalpattu District, now Ambattur Taluk, Tiruvallur District, to enable the petitioner to enjoy her property and consequently direct the respondents and their subordinate officials not to interfere with the petitioner's property or any part thereof.

For Petitioner : M/s.T.Umasivan (In both W.P.s')

For Respondents: Mr.R.Bharath Kumar (In both W.P.s')

COMMON ORDER

These Writ Petitions have been filed in the nature of Mandamus directing the respondents to remove the compound walls newly put up by the respondents in the petitioners' property.

2. On 19.11.2011, this Court had passed following order:-

"It has been noted on the hearing date 19.11.2019 that the property claimed by the petitioner had already been acquired by the respondents-Tamil Nadu Housing Board and a copy of the award has been produced before this Court.

2. A perusal of the award shows that the Survey No.1169/1B to an extent of 0.67 Acres, which was in the name of Ramamoorthy Reddi, who is the father of the petitioner herein had been acquired by the respondents award dated 02.09.1970. It is also stated that the compensation had also been paid.

3. If the petitioner wants to pursue the writ petition, he must deposit costs."

3. This portion was reiterated again on 10.02.2020. It is again reiterated today.

4. A perusal of the same shows that the the property claimed by the petitioners had already been acquired by the Tamil Nadu Housing Board and award have also been produced before this Court and a perusal of the same shows that the properties which were in the name of Mr.Ramamoorthy Reddi, who is the father of the petitioners herein, and who had also received the compensation. Hence, nothing survives for adjudication in these cases.

5. Accordingly, these Writ Petitions are dismissed. Consequently, the connected miscellaneous petitions are also closed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Managing Director,
Tamil Nadu Housing Board,
Mount Road, Nandanam, Chennai-35.

2. The Executive Engineer,
Tamil Nadu Housing Board,
Anna Nagar Division,
Thirumangalam, Chennai.

+2cc to Mr.R.Bharathkumar, Advocate Sr.14821, 14823

W.P.Nos.6261 and 6475 of 2019
and
W.M.P.Nos.7100, 7214, 7291
and 7294 of 2019

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srg 16/03/2020