

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2020

CORAM

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA
W.P.No.25434 of 2017
and W.M.P.No.26877 of 2017
(Heard through VC)

1. Polammal Naidu
2. U.Venkatesh
3. Jeyanthi
4. U.Arun Kumar ... Petitioners

Vs

1 The District Collector
Thiruvallur District, Thiruvallur.
2 The Tahsildar
Poonamallee Taluk, Thiruvallur District.
3 The Divisional Engineer,
Highways Department (Construction and
Mainternance)
No.155/17 Jawaharlal Nehru Road,
Thiruvallur - 602 001.
4 The Assistant Engineer
Highways Department,
Thiruvallur - 602 001. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents their men agents representatives servants assigns and/or anyone acting or claiming through or under them from in any manner interfering with and/or disturbing the petitioners peaceful ownership possession and enjoyment of their respective properties comprised in S.Nos.391/2C, 391/3, 392/2A1, 392/3, 393, 395/1, 395/4, 371/3, 374/2A, 391/2A, 392/2A2, 370/3, 370/4, 370/6A, 371/1, 374/2B, 375/2, 391/2B and 367/2, Kuthambakkam Vllage, Thiruvallur District, measuring a total extent of 20.48 acres or thereabouts except under due process of law.

For Petitioner : Mr.G.Anbumani

For Respondents: Mr.V.Shanmuga Sundar,
Special Government Pleader

O R D E R

The petitioners have filed this Writ Petition seeking a writ of Mandamus forbearing the respondents and their men from in any manner interfering with and / or disturbing their peaceful ownership possession and enjoyment of their respective properties comprised in S.Nos.391/2C, 391/3, 392/2A1, 392/3, 393, 395/1, 395/4, 371/3, 374/2A, 391/2A, 392/2A2, 370/3, 370/4, 370/6A, 371/1, 374/2B, 375/2, 391/2B and 367/2 Kuthambakkam village, Thiruvallur District, measuring a total extent of 20.48 acres or thereabouts except under due process of law.

2. In response to the same, the fourth respondent has filed a counter affidavit stating that the Government had accorded sanction for construction of culvert on the Padur Road and the culvert was only laid outside the boundaries of the petitioners' land and hence, it is in no way disturbing the petitioners' land.

3. The petitioners also had filed an additional affidavit along with certain photographs to show that the channel through which the water has to flow is now flowing on the reverse into his property, instead of going through the culvert. The reason for the same is that his neighbour had put up a construction blocking the free flow of water. It is also stated that after the Writ Petition has been filed, the Government had surveyed and cleared the vegetation around the channel and found that the adjacent owner had encroached the land and put up the construction blocking the flow of the water. It is for the Government to take appropriate action against the erring neighbour.

4. In so far as the petitioners' claim is concerned, as the construction of the culvert is completed and it is not within the premises of the petitioners, they cannot have any grievance now.

5. In view of the above, this Writ petition is dismissed.
No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1 The District Collector,
Thiruvallur District, Thiruvallur.
- 2 The Tahsildar,
Poonamallee Taluk,
Thiruvallur District.
- 3 The Divisional Engineer,
Highways Department (Construction and Maintenance),
No.155/17 Jawaharlal Nehru Road,
Thiruvallur - 602 001.
- 4 The Assistant Engineer,
Highways Department,
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sks[co]
srg 29/09/2020

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