



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2021

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.1809 of 2019

and

W.M.P.No.1996 of 2019

S.P.L.Rajakumar

... Petitioner

vs.

1.The Commissioner
Chinglepet Municipality,
Kanchipuram.

2.The District Collector,
Kanchipuram.

3.The Tasildhar,
Chinglepet Taluk,
Kanchipuram.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents from interfering with the peaceful possession of petitioner with respect to Plot No. 84 comprised in (old survey no.1417/part, new Survey No.1417/1B1A1A1A1A), in Survey No.1417/61B, Srinath, JCK Nagar, Chinglepet.

For Petitioner : Mr.V.Raghavachari

For R2 and R3 : Mr.V.Jeevagiridharan
Additional Government Pleader

For R1 : Mr.P.Srinivas

ORDER

This writ petition has been filed to issue a Writ of Mandamus, forbearing the respondents from interfering with the peaceful possession of petitioner with respect to Plot No. 84 comprised in (old survey no.1417/part, new Survey No.1417/1B1A1A1A1A), in Survey No.1417/61B, Srinath, JCK Nagar, Chinglepet.

2. The case of the petitioner is that the property comprised in (Old Survey No.1417/part, New Survey No.1417/1B1A1A1A1A), in Survey No.1417/61B admeasuring to an extent of 3990 sq.ft.,



Srinath, JCK Nagar, Chinglepet owned by the petitioner by way of sale deed dated 10.03.1995. Thereafter, the petitioner obtained patta and mutated revenue records in his name. Out of 3990 sq.ft., the petitioner sold a portion of the property in favour of the third party on 03.08.2005 and the remaining extent of the property is with the petitioner. While being so, the 1st respondent without following any due process of law, marked a portion of land as the petitioner encroached the same. According to the petitioner, no notice was served under the Tamil Nadu Land Encroachment Act, 1905 before taking any action as against the petitioner.

3. Considering the above, the 1st respondent is directed to take action if any encroachment made by the petitioner in respect of the subject property only by following due process of law.

4. With the above direction, this writ petition is disposed. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

dm

To

1. The Commissioner
Chinglepet Municipality,
Kanchipuram.
2. The District Collector,
Kanchipuram.
3. The Tasildhar,
Chinglepet Taluk,
Kanchipuram.

+1cc to Mr.V.Raghavachari, Advocate, S.R.No.65119
+1cc to Mr.P.Srinivas, Advocate, S.R.No.65174
+1cc to the Government Pleader, S.R.No.65812

W.P.No.1809 of 2019

PL(CO)
CT 04/01/2022