

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

W.P. NO.21420 OF 2017

AND W.M.P. NOS.22389 & 22390 OF 2017

1.K.Suseela

2.K.Deivasignamani

3.K.Sridhar

...Petitioners

Versus

Commissioner,  
Tambaram Municipality,  
Tambaram, Chennai.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus forbearing the respondent from laying the road in the petitioners lands at T.S. Nos.37, 38 & 39 in Selaiyur Village, Tambaram Taluk.

For Petitioner : Mr. M.Gnanasekar  
For Respondent : Mr. P.Srinivas

O R D E R

This Writ Petition is filed for issuing Writ of Mandamus forbearing the respondents from laying the road in the petitioner's patta land in Ts. Nos.37, 38 & 39 in Selaiyur Village, Tambaram Taluk.

2. It is stated that the lands in T.S. Nos.37,38 and 39 in Selaiyur Village, Tambaram Taluk, are the patta lands of the petitioners. Apprehending that the respondents are trying to form a road in the petitioner's patta land, the present writ petition is filed.

3. The petitioners states that they are in peaceful possession and enjoyment of their respective patta lands in T.S. Nos.37, 38 and 39 in Selaiyur Village, Tambaram Taluk Village. The respondent has filed a counter affidavit inter alia stating that the road was laid in the year 2017 in T.S. Nos.40/1 & 40/2 in Ward I, Block No.3 Selaiyur Village, Tambaram Taluk and that the portion in which the road was laid

is classified as street in all the survey records. It is further stated that the lands in respect of which the petitioners claim title are adjacent to the street which is now formed by laying the road.

4. Recording the statement of the respondent in the counter affidavit, this Court find no merit in the writ petition. Since no part of the petitioner's land is encroached or disturbed by the respondent, this Court is of the view that no relief can be granted in favour of the petitioners. Therefore this Writ Petition is closed. No costs. Consequently, connected miscellaneous petitions are closed. If there is any dispute regarding identity of property, it is open to the petitioner to approach the Civil Court for appropriate relief.

Sd/-  
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

bkn

To

The Commissioner,  
Tambaram Municipality,  
Tambaram, Chennai.

+1 cc to Mr.M.Gnanasekar,Advocate Sr.No.9353

W.P. No.21420 of 2017

SMI (CO)  
KKV/15/06/2021

सत्यमेव जयते

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