



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.22135 of 2014

And

M.P.No.1 of 2014

Tahaer Zoyab

... Petitioner

Vs.

The Member Secretary (incharge)
Mamallapuram Local Planning Authority,
Chengalpattu - 1.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondent, its men, agents, servants and subordinates from interfering with the peaceful possession of the petitioner in respect of Plot Number 6, comprised in Survey Nos.113/2C3A4 and 114/1A4 at No.36, Muttukkadu Village, Kancheepuram District.

For Petitioner : Mr.V.Raghavachari

For Respondent : Mr.M.Murali

Government Advocate

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus forbearing the respondent, its men, agents, servants and subordinates from interfering with the peaceful possession of the petitioner in respect of Plot Number 6, comprised in Survey Nos.113/2C3A4 and 114/1A4 at No.36, Muttukkadu Village, Kancheepuram District.

2.The case of the petitioner is that originally the subject property was held by M/s.Holiday Sports (Private) Limited. Thereafter, it was sold to Hindustan Lever on 25.02.1981. The company was running shrimp farm unit in the premises and they also has factory premises and servant quarters in the property. The property was assessed to tax and had also obtained electricity service connection. Thereafter, the



property was sold to Mrs.Padmini Sivasubramaniam, Dr.K.K.Ramalingam, Dr.Vimala Ramalingam, Dr.Ravi Ramalingam, Miss.Shoba Ramalingam, Dr.Sadayavel Kailasan and Soundara Kailasam. Miss.Shoba Ramalingam and Dr.Ravi Ramalingam settled their shares in favour of Dr.Vimala Ramalingam who in turn settled the property in favour of her daughter Shoba Natarajan and Dr.Ravi Ramalingam. Thereafter, the petitioner along with one Siraj Ali Hussain and Mustafa Yakub purchased the property from Dr.Ravi Ramalingam vide registered sale deed dated 10.08.2009 bearing document no.2814/2009 in the Office of the Sub Registrar, Thiruporur. Whiles, all of a sudden the respondent threatened demolition of the buildings alleging that the buildings were constructed without any permission. Hence, this writ petition.

3.The learned counsel appearing for the petitioner submitted that on an earlier occasion, similarly situated person filed W.P.No.7834 of 2013 before this Court and this Court vide order dated 14.08.2020 dismissed the said writ petition. Challenging the same, the petitioner therein filed petition for Special Leave to Appeal (C) No.12122/2020 before the Hon'ble Apex Court and the Hon'ble Apex Court issued notice and directed that no coercive action be taken against the petitioners therein. The learned counsel prayed that similar relief be granted to this petitioner also.

4.The learned Government Advocate appearing for the respondent submitted that appropriate action will be initiated against the petitioner for the alleged illegal construction only by following due process of law.

5.Since the learned Government Advocate appearing for the respondent submitted that appropriate action will be initiated against the petitioner for the alleged illegal construction only by following due process of law, no further adjudication is necessary in this writ petition.

6.The writ petition is accordingly closed. No costs. Consequently, the connected miscellaneous petition is also closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar



To

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The Member Secretary (incharge)
Mamallapuram Local Planning Authority,
Chengalpattu - 1.

+1 CC to The Government Pleader sr 22686.

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NMI (CO)
SP(19/04/2022)