



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.13191 of 2014
and M.P.No.1 of 2014

P.Dheenadayalan

... Petitioner

Vs.

1.The Collector,
Thiruvallur District,
Thiruvallur.

2.The Tahsildar,
Poonamallee Taluk,
Poonamallee,
chennai.

3.The Chairman,
Avadi Municipality,
Avadi, Chennai 54.

4.The Commissioner,
Avadi Municipality,
Avadi, Chennai 54.

5.The Municipal Engineer,
Avadi Municipality,
Avadi, Chennai 600 054.

... Respondents

PRAYER: The Writ Petition filed under Section 226 of Constitution of India, pleaded to issue a Writ of Mandamus Forbearing the respondent Nos. 3 to 5 herein not to interfere or trespass into the petitioners property situated at No.6/1 Sekkadu Village, Sriperumbudur Taluk, Kancheepuram District, comprised in Grama Natham, Survey No.179, of Sekkadu Village measuring an extent of 4090.5 sq.ft. or thereabouts more fully described in the schedule to the petition.



WEB COPY

For Petitioner : Dr.G.Krishnamurthy

For Respondents : Mr.A.Anandan,
Government Advocate for R1 and R2
Mr.P.Srinivas for R3 to R5

O R D E R

The petitioner has filed this petition for issuance of writ of Mandamus Forbearing the respondent Nos. 3 to 5 herein not to interfere or trespass into the petitioners property situated at No.6/1 Sekkadu Village, Sriperumbudur Taluk, Kancheepuram District, comprised in Grama Natham, Survey No.179, of Sekkadu Village measuring an extent of 4090.5 sq.ft.

2. The case of the petitioner is that the petitioner is residing in the above said property and he had purchased the above property under a Deed of Sale dated 13.04.2007 and from the date of purchase, the petitioner is in possession and enjoyment of the same. While so, in the year 2008, in order to grab his property, one Mr.Chokkalingam and others along with rowdy elements, tried to trespass into his property illegally and hence, the petitioner has filed a Suit in O.S.No.100 of 2008, before the Civil Court and the same was decreed in favour of the petitioner. In spite of the same, thereafter to his shock and surprise, on 28.04.2014, the petitioner was informed by the adjacent land owners that his property is being measured by the Surveyors along with the respondents 3 to 5 herein. Hence the petitioner made representation on 29.04.2014 to the respondents, requesting to stop all further proceedings in respect of his property and however no reply was made till date. Aggrieved by the same, the present petition is filed by the petitioner, to forbear the respondent Nos. 3 to 5 herein not to interfere or trespass into the petitioners property.

3. The learned counsel appearing for the petitioner submitted that this Court may issue direction to the 3rd respondent, not to interfere with the petitioner's peaceful possession, without due process of law and prays for appropriate orders in that regard.

4. The learned counsel appearing for the respondent Municipality submitted that the petitioner is a rank encroacher and the disputed property is a government poramboke land and the petitioner has encroached the same. However eviction will be carried out after following the due process of law.



5.Considering the facts and circumstances of the case, this Court without going into the merits of the case, directs the 3rd respondent to evict the petitioner after following the due process of law. This Writ Petition is disposed of accordingly. No costs. Consequently connected miscellaneous petition is closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

sk
To

1.The Collector,
Thiruvallur District,
Thiruvallur.

2.The Tahsildar,
Poonamallee Taluk,
Poonamallee,
Chennai.

3.The Chairman,
Avadi Municipality,
Avadi, Chennai 54.

4.The Commissioner,
Avadi Municipality,
Avadi, Chennai 54.

5.The Municipal Engineer,
Avadi Municipality,
Avadi, Chennai 600 054.

+1cc to M/s.S.V.S.Ilamvazhuthi, Advocate Sr.15595
+1cc to Mr.P.Srinivas, Advocate Sr.16092
+1cc to the Government Pleader Sr.16242

W.P.No.13191 of 2014

rsi[co]
srg 31/03/2022