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W.P.No.31966 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.31966 of 2015

and

M.P.No.1 of 2015

1.Mr.L.Kannappan

2.Mr.L.Thirunavukkarasu

...Petitioners

Vs.

1.The Assistant Executive Engineer,
Public Works Department,
Lower Palar Basin Sub Division,
Chengalpattu – 603 001.

2.The Assistant Engineer,
Public Works Department,
Irrigation Section,
Padappai – 601 301.

3.The Commissioner,
Tambaram Municipality,
Chennai – 600 045.

..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 and servants from digging or widening the channel into the petitioners land in Survey No.9/2C part of Tambaram Village, especially the portion abutting Dargas road on the northern side of the land.



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For Petitioners : Mr.T.Thiyagarajan
For R1 & R2 : Mr.P.Sanjay Gandhi
Government Advocate
For R3 : Mr.P.Srinivas

ORDER

The relief sought for in the present writ petition is to forbear the respondents their men, agents and servants from digging or widening the channel into the petitioners land in Survey No.9/2C part of Tambaram Village, especially the portion abutting Dargas road on the northern side of the land.

2. The petitioners filed the present writ petition with an apprehension that the respondents may interfere with the possession of the land belongs to the petitioners.

3. If at all the petitioners claims to be the owner of a particular land, then they have to approach the competent Civil Court for the purpose of establishing their right. No doubt, the authorities while implementing the public schemes, has to acquire the land if they require and without acquisition, they cannot interfere with the peaceful possession of the land belongs to the private persons.



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4. Thus, the petitioners if aggrieved from and out of the actions, if any, they are at liberty to approach the competent Civil Court. The respondents also shall not interfere with the private properties without acquiring the land by following the due process of law.

5. With these clarifications, the writ petitions stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

10.04.2023

Index : Yes
Speaking order
Neutral Citation: Yes/No
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To

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S.M.SUBRAMANIAM, J.

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