



W.P.No.10803 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.10803 of 2023
and W.M.P.No.10745 of 2023

M/s.Gee Vee Service Station,
Rep by its Sole Proprietor,
Mr.V.Balakumar,
Pandianallore, Ponneri Taluk,
Tiruvallur District.

.. Petitioner

Vs.

1. The District Collector,
Tiruvallur.
2. The Divisional Engineer,
Tamil Nadu State Highways,
Tiruvallur.
- 3.The Tahsildar,
Taluk Office,
Tiruvallur.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus or any other appropriate Writ, Order or direction particularly in the nature of Writ of Mandamus forbearing the 2nd Respondent herein their men, servants or agents or anyone claiming under



W.P.No.10803 of 2023

them from in any manner interfering with the possession and enjoyment of the petitioner's land of an extent of 16 cents in Survey No.135/1, Pandianallore Village, Ponneri Taluk, Tiruvallur District.

For Petitioner : M/s.A.L.Ganthimathi,
Senior Counsel
for Mr.L.Palanimuthu

For Respondents : Mr. M.Alagu Goutham,
Government Advocate

ORDER

This Writ Petition has been filed praying to restrain the respondents from interfering with the possession and enjoyment of the petitioner's land to an extent of about 16 cents situated in Survey No.135/1, Pandianallore Village, Ponneri Taluk, Tiruvallur District.

2. Mr. M.Alagu Goutham, learned Government Advocate takes notice for respondents.



W.P.No.10803 of 2023

3. It is the case of the petitioner that the subject property was leased to the petitioner vide lease deed dated 06.04.2018 wherein, he is running a petrol bunk. While so, the officials of the 2nd respondent are trying to interfere with the petitioner's possession of the property in order to encroach the same to lay down rain water drainage system. Hence the petitioner made a representation to the Tahsildar, Ponneri seeking to grant patta in respect of the above said property. However, till date, no action has been taken on the same. Hence, this Writ Petition.

4. Learned counsel for the petitioner submits that the petitioner is a lessor of the subject property by way of a lease deed dated 06.04.2018. While so, without issuing any prior notice to the petitioner, trying to interfere with the petitioner's possession of the property is wholly unsustainable.

5. Learned Government Advocate submit that already the 2nd respondent had approached the surveyor for measuring the property in order to demarcate the same. After demarcation of the property, steps will be



W.P.No.10803 of 2023

taken to construct the drainage system in the said property.

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6. In order to give quietus to the issue, this Court directs the 3rd respondent/Tahsildar to depute the concerned Taluk Surveyor for measuring the property in order to demarcate the same and the petitioner is directed to produce the necessary documents in respect of the said property to the Taluk Surveyor at the time of demarcation. After the demarcation of the property, the 2nd respondent shall proceed with the construction of drainage system, in accordance with law. Further, liberty is also granted to the petitioner to proceed in accordance with law after demarcation, if not satisfied with the act of the respondents.

7. This Writ Petition stands disposed of with the above direction. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition stands closed.

06.04.2023

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W.P.No.10803 of 2023

Index : Yes / No

Internet : Yes / No

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W.P.No.10803 of 2023

M.DHANDAPANI, J.

NHS

W.P.No.10803 of 2023

06.04.2023



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W.P.No.10803 of 2023