



WEB COPY



W.P.No.6731 of 2014

IN THE HIGH COURT of JUDICATURE AT MADRAS

DATED: 05.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.6731 of 2014

&

M.P.No.1 of 2014

V.N.Devadoss

... Petitioner

Vs.

1.The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai-600 003

2.The Zonal Officer
Corporation of Chennai (Zone No.XI)
No.123, opp to Data Udipi Hotel
Arcot road, Valasaravakkam
Chennai-600 087

3.The Tahsildar
Maduravoyal Taluk
Thiruvallur District
R3 impleaded as per order
of this Court dated 20.04.2018
in W.M.P.No.10261 of 2018
in W.P.No.6731 of 2014

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India
praying to issue a Writ of mandamus forbearing the respondents from their



W.P.No.6731 of 2014

men, agents, servants or anybody claiming through them from laying road and provide drainage facilities in the private patta lands comprised in Survey No.291,292/1 and 292/2B of Nolambur Village and Survey Nos.1/1, 1/2, 9/1 and 21/3 in Adayalampattu Village, Ambattur Taluk, Tiruvallore District without following any due process of law.

For Petitioner : Mr.R.Bharath kumar

For Respondents : Mr.Subramanian for R1 and 2

Mr.Karthik Jeganath, Govt.Adv for R3

ORDER

Writ petition is filed seeking to forbear the respondents from their men, agents, servants or anybody claiming through them from laying road and provide drainage facilities in the private patta lands comprised in Survey No.291,292/1 and 292/2B of Nolambur Village and Survey Nos.1/1, 1/2, 9/1 and 21/3 in Adayalampattu Village, Ambattur Taluk, Tiruvallore District.

2. It is the case of the petitioner that he has entered into an agreement with the owner of the property in respect of 15 acres on the various survey Nos.1/1,1/2,2/2,3/2,7/1A1,7/2A1,8/2B,9/1,9/2,10,11/2,12/1,18/1A1,19/2,20,21/1A,21/2. 21/3 situate in No.63, Adayalampattu Village, Ambattur Taluk,



W.P.No.6731 of 2014

tiruvallore district of an extent of 1 acre and 01 cents in Survey

Nos.74/1,74/2B,73/3 situated in Ayanambakkam Village, Ambattur Taluk,

Tiruvallore District and of an extent of 3 acres and 63 cents in survey

Nos.291,292/1 and 292/2 in Nolambur Village, Amabattur Taluk,

Tiruvallore District and he was in possession of the property and also

paid consideration of Rs.1.10 crores. Since his vendor failed to comply the

conditions, he filed a suit in O.S.No.264 of 2000 on the file of the District

Munsif Court, Ambattur for permanent injunction and he has also filed a

writ petition challenging the acquisition by the National Highways. As

against the order of Writ Petition, Writ Appeal is also filed in W.A.No.214

of 2013. Interim stay has been granted. Hence, it is his contention that he is

in possession of the property. When the matter stood thus, the respondents

encroached upon the lands particularly in Survey Nos.291,292/1 and

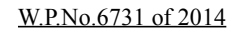
292/2B of Nolambur Village and Survey No.1/1,1/2 and 9/1 of

Adayalampattu Village, which are under his lawful possession. For the

purpose of laying the road and to provide drainage facilities the

respondents are digging the road. Hence, the Writ Petition.

3. Learned counsel appearing for the petitioner would submit that as



4. Learned counsel appearing for the Corporation would submit Corporation is laying the road and petitioner is only a mere agreement holder and he has no right to question the same and his right has not been crystallized at the most owner of the land is entitled to claim any amount. Hence, prays for dismissal of the Writ Petition.

<https://www.mhc.tn.gov.in/judis>
Page 4 of 6



W.P.No.6731 of 2014

6. In such view of the matter, if the petitioner succeeds in O.S.No.127 of 2006 said to have been filed for specific performance. The petitioner is at liberty to seek any other appropriate action including compensation or for recovery as per law.

With the above directions, the Writ Petition is disposed of. No costs.
Consequently, connected miscellaneous petition is closed.

05.01.2023

kpr
Index:Yes/No
Speaking/non-speaking order
Neutral Citation:Yes/No

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