



W.P.No.25868 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2023

CORAM

**THE HONOURABLE MRS. JUSTICE J.NISHA BANU
AND
THE HONOURABLE MRS. JUSTICE N.MALA**

W.P.No.25868 of 2023

R.Jayaprakash

... Petitioner

Vs.

1. The District Collector,
Office of the District Collector,
GST Road,
Chengalpattu – 603 001.
2. The Panchayat President,
Sathya Nagar,
Singaperumal Koil – 603 204
3. The Revenue Divisional Officer,
VOC Naga, Ammanambakkam,
Chengalpattu – 603 001.
4. The Block Development Officer,
Maraimalainagar,
Chengalpattu District – 603 204
5. The Village Administrative Officer,
Singaperumalkoil
Chengalpattu – 603 204



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6. The Deputy Commissioner of Police,
Muthuramalingam Street,
West Tambaram – 600 045

7. The Inspector of Police,
Maraimalainagar Police Station,
Maraimalainagar,-603 209

8. Venkatesan,
S/o Duraisamy Pillai

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus to direct the 2nd and 3rd respondents to take necessary action against the illegal construction put up in survey No.33/5, Door No.90, Theradi Street, Singaperumalkoil Village, Chengalpattu District.

For Petitioner : Mr.N.Vijayaraj

For Respondents : Mr.E.Vijayanand,
Additional Government Pleader
for R1, R3, & R5
Mr.A.Selvendran,
Special Government Pleader for R2 & R4
Mr.R.Muniyapparaj
Additional Public Prosecutor for R6 & R7
Mrs.Chitrasampath,Senior Counsel
for Mr.V.M.Venkatramana for R8



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ORDER

(Order of the Court was made by J.NISHA BANU, J.,)

This Writ Petition has been filed seeking for issuance of Writ of Mandamus to direct the 2nd and 3rd respondents to take necessary action against the illegal construction put up in survey No.33/5, Door No.90, Theradi Street, Singaperumalkoil Village, Chengalpattu District.

2. The case of the petitioner is that he is one of the legal heirs of late Ratanprakash who filed a suit for specific performance in respect of the subject property in the suit as against V.R.Manoharan for the enforcement of the sale agreement entered between them. The said suit in O.S.No.44 of 1997 on the the file of the Additional Sub Court, Chengalpattu, was decided in favour of his father. His father obtained a decree in his favour on 30.10.2000. As per the sale agreement, the balance sale consideration in respect of the subject property was also deposited into court into the credit of the said case. After the death of his father, his legal heirs have been impleaded. They are taking steps to get the sale deed from the court in respect of the subject property. In the meantime, one Venkatesan S/o Duraisamy Pillai and Parthiban S/o Venkatesan and his henchmen have trespassed into the lands and tampering the physical feature of the property and putting up illegal construction, despite the objection raised by the petitioner. A police complaint



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was lodged with the 7th respondent with regard to the unlawful entry and illegal construction by them and C.S.R. was issued for the complaint, but no action was taken on the same by the 7th respondent. Hence, the petitioner preferred a complaint before the Commissioner of Police, Tambaram and the same was forwarded to the Deputy Commissioner of Police Tambaram. The said complaint was forwarded to the 7th respondent to conduct an enquiry and submit report. But so far no action was taken. Hence, the present writ petition.

3. Heard the learned counsel appearing on either side and perused the materials available on record.

4. The petitioner is only an agreement holder. Earlier, he filed a suit for specific performance and got an exparte order. Subsequently, the exparte order was set aside and the parties are contesting the suit before the Civil Forum. Therefore, we are of the view that entertaining the present writ petition will have an impact on the civil suit. If the petitioner succeeds in the suit, he can proceed further in the manner known to law. Accordingly, the Writ Petition stands dismissed. No costs.

(J.N.B., J.) (N.M., J.)
15.12.2023

Index : Yes / No
Internet : Yes / No
vsi



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