



W.P.No.21144 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

and

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

Writ Petition No.21144 of 2017
and W.M.P.No.22014 of 2017

- 1.Papathiammal
- 2.Neelakandan
- 3.Thirugnanamoorthy
- 4.Devatha
- 5.Parvathy
- 6.Veeramoorthy

7.Shanmugam
(Represented by their Special
Power of Attorney Ramaravindra Kumar)

.. Petitioners

Vs.

1. The Member Secretary
Chennai Metropolitan Development
Authority
Thalamuthu Natarajan Building
Chennai-600 008.

2.The District Collector
Thiruvallur District
Thiruvallur.

3.The Commissioner
Thiruverkadu Municipality
Thiruverkadu, Chennai-600 077.



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4.The Deputy Commissioner of Police
Ambattur District
Avadi, Chennai-600 054.

5.The Inspector of Police
Thiruverkadu Police Station
Thiruverkadu
Chennai-600 077.

6.Baby Ammal
7.Meena
8.Vijayalakshmi
9.Logaiyan
10.Kamalakannan
11.Rajaram
12.Madurai Muthu
13.Parisamuthu
14.Saravanan
15.Aravamudhu
16.Punidhavalli

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the 1st respondent to take necessary action to demolish the compound wall erected in Survey No.79/2 and Survey No.80/5 in Perumalagaram Village, Maduravoyal Taluk, Thiruvallur District preventing the general public from using cremation ground for their relatives last rites.

For Petitioners : Mr.S.Rajendran

For R1 : Mr.C.N.Vinobha
Standing Counsel

For R2 : Mr.E.Vijayanand
Additional Government Pleader



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For R3 : Mrs.R.L.Karthika
Government Advocate

For R6 : No appearance

For R7 to R11 : Mr.Mohana Kannan

For R12 to R16 : Mr.M.Udhaya Kumar

ORDER

(Order of the Court was delivered by V.M.VELUMANI,J.)

The petitioners have come out with the present Writ Petition for a direction to the 1st respondent to take necessary action to demolish the compound wall erected in Survey No.79/2 and Survey No.80/5 in Perumalagaram Village, Maduravoyal Taluk, Thiruvallur District preventing the general public from using cremation ground for their relatives last rites.

2. Heard the learned counsel appearing for the petitioners as well as the learned Standing Counsel appearing for the 1st respondent, learned Additional Government Pleader appearing for the 2nd respondent, learned Government Advocate appearing for the 3rd respondent, learned counsel



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appearing for the respondents 7 to 11 & 12 to 16 and perused the entire materials on record.

3. According to the petitioners, they filed suit for specific performance before the District Munsif Court, Poonamallee, with regard to the property situated in Perumalagaram Village, Maduravoyal Taluk, Tiruvallur District. The said suit was dismissed. The First Appeal and Second Appeal filed by them were also dismissed. During the pendency of the Second Appeal, the respondents 6 to 16 with the help of hooligans and the 5th respondent, illegally trespassed into the property under the possession and enjoyment of the petitioners by demolishing the temporary shed and fencing erected by the petitioners and also demolished the cement RCC pathway put up by Thiruverkadu Municipality, the 3rd respondent, which is the only ingress and egress for the burial ground. In this regard, though the petitioners have sent representation, lodged a complaint and the 1st respondent issued stop work notice to the respondents 6 to 16 not to put up any construction, the respondents 6 to 16 constructed a compound wall blocking the burial ground illegally violating the order of the 1st respondent. Therefore, the petitioners have come out with the present Writ Petition.



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4. Learned counsel appearing for the respondents 12 to 16 submitted that the respondents 6 to 11 are original owners of the property, they sold the property to respondents 12 to 16 and the same is not public passage and prayed for passing suitable orders.

5. Considering the nature of relief sought for in the present Writ Petition and the submissions made by the learned counsel appearing for the petitioners as well as the respondents 12 to 16, without deciding the issue on the title of the property, the 3rd respondent is directed to inspect the property in question after issuing notice to the petitioners as well as the respondents 12 to 16 and if there is unauthorised construction blocking the common passage, to take appropriate proceedings as per law.

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

(V.M.V., J) (V.L.N., J)
11.04.2023

Index : Yes / No
Neutral Citation : Yes / No
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**V.M.VELUMANI,J.
and
V.LAKSHMINARAYANAN,J.**

Kj

To

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