



W.P.No.26852 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.02.2023

CORAM

THE HONOURABLE Mr.JUSTICE R.MAHADEVAN
AND
THE HONOURABLE Mr.JUSTICE MOHAMMED SHAFFIQ

W.P.No.26852 of 2017
W.M.P.No.28588 of 2017

1.Jeyanthi

2.R.Ramamoorthy

.. Petitioners

Vs.

1.The District Collector,
Kanchipuram District, Kanchipuram.

2.The Assistant Director,
Town Panchayat, Kancheepuram Zone.

3.The Revenue Divisional Officer,
Tambaram Circle, Tambaram.

4.The Tahsildar,
Tambaram Taluk, Tambaram.

5.The Executive Officer,
Madambakkam Town Panchayat,
Madambakkam, Chennai.

6.B.Kumar

.. Respondents



W.P.No.26852 of 2017

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Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF CERTIORARIFIED MANDAMUS calling for the records of the fifth respondent in impugned order dated 26.09.2017 in Na.Ka.No.442 of 2014 and quash the same and consequently direct the respondents not to remove or demolish the building in the schedule of property in the writ petition.

For Petitioner : No appearance

For RR 1 to 5 : Mr.A.Selvendran
Special Government Pleader

For R6 : Mr.K.Elango

ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

When the matter was called on 24.01.2023, there was no representation for the petitioners and therefore, it was directed to be posted on 31.01.2023 under the caption “for dismissal”. Today also, when the matter was called, there was no representation for the petitioners.



W.P.No.26852 of 2017

2.The case of the petitioners is that the property in Grama Natham S.No.419/4 (in part), New S.No.781/8, measuring an extent of 0185 sq.meter situated at Door No.10, Vinayakarkoil Street, Madambakkam Madura - Paduvanchery Village, Tambaram Taluk, Kancheepuram District, belongs to the first petitioner herein by way of settlement and the petitioners have been in possession and enjoyment of the same, from the date of settlement. While so, pursuant to the order passed in WP.No.21592/2014 and contempt petition no.1130/2017 which were initiated at the instance of the sixth respondent, the fifth respondent issued a notice dated 26.09.2017 calling upon the second petitioner to remove the encroachments in Old.S.No.419/4 and New Survey No.781/12 at Vinayagar Koil 2nd street. Stating that without measuring the property, the respondent authorities had wrongly demarked the boundaries of Vinayagar Koil 2nd Street, the petitioners submitted a representation dated 10.10.2017 to the respondent authorities requesting to measure their property as per the patta and the FMB sketch in S.No.781/8 in Old S.No.419/4. Finding no response on the same, they have come up with this writ petition seeking a writ of certiorarified mandamus to call for the records of the fifth respondent



W.P.No.26852 of 2017

pertaining to the order in Na.Ka.No.442/2014 dated 26.09.2017, quash the same and consequently direct the respondents not to remove or demolish the building mentioned in the schedule of property.

3.However, today, when the matter was taken up for consideration, the learned Special Government Pleader appearing for the respondents 1 to 5 produced a copy of the communication in Na.Ka.No.101/2022/A1 dated 01.02.2023, wherein, it is *inter alia* stated that there are encroachments in S.No.781/12 of Madambakkam Madura-Paduvanchery Village.

4.In view of the above submission made by the learned Special Government Pleader, this court disposes of the writ petition by directing the respondent authorities to remove the encroachments, if any, in the subject land, after issuing due notice to all the parties concerned, and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Connected W.M.P. is closed.

[R.M.D., J.] [M.S.Q., J.]
01.02.2023

Index: Yes / No
Speaking order/ Non-speaking order
Neutral Citation: Yes / No
nsd



W.P.No.26852 of 2017

To
WEB COPY

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W.P.No.26852 of 2017

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