



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2024

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No. 4709 of 2019

And

W.M.P.No. 5339 of 2019

Mr.P.Chakravarthy

... Petitioner

..Vs..

1. The Commissioner
Anakaputhur Municipality
No.1, Bazaar Street,
Anakaputhur
Chennai – 600 070
2. Director
Town and Country Planning
No.807, Anna Salai,
Chennai – 600 002.
3. The Secretary
Tambaram Co-operative Housing Society Ltd.,
No.11, VOC Street, West Tambaram,
Chennai – 600 045.
4. The Registrar of Co-operative Societies
(Housing), Tamil Nadu Co-operative Housing
Federation Campus, II Floor, No.48, Ritherdon
Road, Vepery, Chennai – 600 007.
[R4- Suo Motu impleaded as per order dated 19.03.2024 in
W.P.No. 4709 of 2019] ... Respondents



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PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus forbearing the respondents from committing trespass into the property of the petitioner in Plot No. 65-B measuring 2225 sq.ft., in S.No.135/11 of Gowri Avenue layout in No.99, Anakaputhur Village, Saidapet Taluk, Kancheepuram District and further remove the marker stones and notice boards from the said land.

For Petitioner :: Mr. B.Natarajan

For 1st Respondent :: Mr. P.Srinivas

For 2nd Respondent :: Mr.V.Nanmaran
Additional Government Pleader

For 3rd Respondent :: Mr.P.Anandakumar

For 4th Respondent :: Mrs. Geetha Thamaraiselvan
Special Government Pleader

ORDER

The Writ Petition has been filed in the nature of a Mandamus seeking restraint against the respondents, particularly, the first respondent from entering into the property of the petitioner at Plot No. 65-B measuring 2225 sq.ft., in S.No.135/11 of Gowri Avenue layout in No.99, Anakaputhur Village, Saidapet Taluk, Kancheepuram District.



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2. In the affidavit filed in support of the Writ Petition, it had been stated that the aforementioned Plot No. 65-B had been purchased by the petitioner from the third respondent, the Secretary, Tambaram Co-operative Housing Society Ltd. It had been stated that the petitioner had been in peaceful enjoyment of the same. However, in the first week of January, the first respondent / the Commissioner, Anakaputhur Municipality had entered into the lands and had erected marker stones and sign/notice boards claiming that the said plots is park land belonging to the first respondent.

3. The first respondent claims that when the layout was formed, the said plots had been demarked as a park. A status report had been filed by the fourth respondent, who had been subsequently implicated, namely, the Registrar of Co-operative Societies (Housing), Tamil Nadu Co-operative Housing Federation Campus, wherein it had been stated that the third respondent Society had sold Plot No. 65-B to the petitioner by a sale deed dated 12.05.1998. It had been stated that Anakaputhur Town Panchayat had granted approval to the layout and the three plots namely, 65A, 65B and 65C had been earmarked for park. It had been stated that without proper verification, the sale deed had been executed.

4. Let me not enter into any discussion on that particular



aspect since in the status report, it had been stated that an enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act 1983 had been ordered by the Deputy Registrar (Housing) Chengalpet Region, by proceedings in R.C.No. 384/2024/2 dated 13.12.2024. I am confident that notice would be issued to the petitioner and let the enquiry be commenced and completed within a period of 8 weeks on or before 28.02.2025.

5. The learned counsel for the petitioner stated that during the pendency, the name board and the markers must be removed. Since time limit for completion of the enquiry has been prescribed, the name board and markers may be removed till 28.02.2025 and thereafter a decision can be taken to put back the name board and markers depending on the result of the enquiry. Proper notice must be issued to the petitioner and the petitioner must participate in the enquiry. Orders must be passed before 28.02.2025.

6. The Writ Petitioner stands allowed. Consequently, connected Miscellaneous Petition stands closed. No order as to costs.

16.12.2024

vsg
Index: Yes/No
Internet: Yes/No
Speaking / Non Speaking Order



To

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