



WEB COPY



WP.No.7927 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

AND

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

WP.No.7927 of 2023

M.Babu

Petitioner

Vs

1. The Commissioner, Arakkonam Municipality, Ranipet
2. The Tahsildar, Arakkonam Taluk, Ranipet
3. The Assistant Engineer, TANGEDCO Limited, Winterpet
Arakkonam, Ranipet

4. Yesudoss Sadhu

Respondents

Prayer:- This Writ Petition has been filed, under Article 226 of the Constitution of India, for issuance of Writ of Mandamus to direct the Respondents 1 and 2 to remove the unauthorised construction put up by the 4th Respondent in the property bearing T.S.No.208/1A in Ward-B, Block 15, Old TS.No.117, New TS.No.117/2, Arakkonam Town and to direct the 3rd Respondent to disconnect the electricity connection issued to the Petitioner's property having an extent of 1254 sq.ft. within a time



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frame on the representation of the Petitioner dated 06.04.2022.

For Petitioner : Mr.P.Krishnan

For Respondents : Mr.M.R.Gokul Krishnan-AGP-R2
No Appearance-RR1 and 3
Mr.G.Vijayakumar-R4

ORDER

(Order of the Court was made by S.S.SUNDAR, J.)

1. This Writ Petition is filed for issuance of Writ of Mandamus to direct the Respondents 1 and 2 to remove the unauthorised construction put up by the 4th Respondent in the property bearing T.S.No.208/1A in Ward-B, Block 15, Old TS.No.117, New TS.No.117/2, Arakkonam Town and to direct the 3rd Respondent to disconnect the electricity connection issued to the Petitioner's property having an extent of 1254 sq.ft. within a time frame on the representation of the Petitioner dated 06.04.2022.
2. This court heard the learned counsel for the Petitioner and the contesting Respondents and considered their submissions and also carefully perused the materials placed on record.
3. The case of the Petitioner is that he purchased the property under a sale deed dated 20.02.2013 and the 4th Respondent has also purchased a



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land measuring an extent 1254 sq.ft. on the Western side of the Petitioner's property. The contention of the Petitioner is that the 4th Respondent has put up construction encroaching into the property of the Petitioner on the Eastern side. It is further stated that the 4th Respondent has encroached and put up construction without getting any planning/ building permission from the local body, namely, Arakkonam Municipality. It is stated that when the Petitioner found unauthorised construction by the 4th Respondent, he gave representations to the Police Officials on 19.12.2021 and 07.01.2022 alleging unauthorised construction by the 4th Respondent. Based on the complaint given by the Petitioner to the Tahsildar, the Tahsildar also inspected the property and submitted a report in May 2022. It is admitted that the 4th Respondent along with his son filed a suit in OS.No.100 of 2012 on the file of the District Munsif Court, Arakkonam. During the pendency of the suit, the Petitioner has approached this Court for removal of unauthorised construction .

4. The Tahsildar in his report has categorically held that the property is a private patta land and the Respondents are not in a position to take any action for removal of any building. Considering the fact that the 4th



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Respondent has put up construction and the fact that the 4th Respondent is in enjoyment of the property, prima facie, this Court is of the view that the 4th Respondent is in lawful possession of the property. In such circumstances, this Court is unable to grant any relief to the Petitioner, involving a title dispute and hence, this Writ Petition is not maintainable.

5. In fine, this Writ Petition is dismissed, preserving liberty to the Petitioner to approach the Civil Court for appropriate relief. No costs. However, this order will not stand in the way of the 1st Respondent to take action if the construction is in violation of any building plan.

(S.S.S.R.J.) & (N.S.J.)
29.07.2024

Index: Yes/No
Web: Yes/No
Speaking/Non Speaking
Neutral Citation
Srcm

To

1. The Commissioner, Arakkonam Municipality, Ranipet
2. The Tahsildar, Arakkonam Taluk, Ranipet
3. The Assistant Engineer, TANGEDCO Limited, Winterpet
Arakkonam, Ranipet



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