



W.P.No.21037 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.21037 of 2018

and

W.M.P.Nos.34693 & 24694 of 2018

1.D.Shantha

2.D.Dhakshinamoorthy

...Petitioners

-Vs-

1.The Commissioner,
Thiruverkadu Municipality,
Eswaran Koil Street,
Thiruverkadu,
Chennai – 600 077.

2.The Tahsildar,
Maduravoyal Taluk,
Maduravoyal,
Chenna – 600 095.

3.The Revenue Divisional Officer,
Ambattur Division,
Ambattur,
Chennai – 53.

4.The Inspector of Police,
T-5, Thriuverkadu Police Station,
Sridevi Nagar,
Thiruverkadu,
Chennai – 600 077.

5.The Superintending Engineer,



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Construction and Maintenance Highways Department,
No.299, Anna Salai,
Teynampet, Chennai – 6.

...Respondents

***R5 suo motu impleaded vide order dated 05.09.2022
made in W.P.No.21037 of 2018*

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, forbearing the respondents from interfering with the petitioner's peaceful possession and enjoyment of the property in Survey No.155/20 at Old No.10, New No.52, Shop No.34, Sannathi Street, Thiruverkadu, Chennai – 600 077 without due process of law and pass such further orders.

For Petitioners	:	Mr.M.Padmanaban
For R1	:	Mr.Mohandoss, Standing Counsel
For R2 to R5	:	Mrs.R.L.Kavitha, Government Advocate

ORDER

This writ petition is filed for issuance of a Writ of Mandamus, forbearing the respondents from interfering with the petitioners' peaceful possession and enjoyment of the property in Survey No.155/20 at Old No.10, New No.52, Shop No.34, Sannathi Street, Thiruverkadu, Chennai – 600 077, without due process of law.



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2. Learned counsel for the petitioners submitted that the petitioners are the absolute owners and have been in possession and enjoyment of the property since the date of purchase. The sale deeds and patta are in their names. They are running their shops on their property. While so on 26.07.2018, without any notice, respondents 2 and 3 damaged super structure and from 03.08.2018 onwards, the police threatened them from running the shops and further stated that for violation Rs.1,000/- would be imposed as fine. The reason for their action is not known. Hence, the present writ petition is filed.

3. A status report was filed by the 5th respondent in the month of September, 2022 and the relevant portion is extracted hereunder for better appreciation and understanding:

“7. It is submitted that the Tahsildar, Poonamallee, in his report dated 15.09.2022, stated that little portion of storm water drainage constructed along the road, has been stretched into the properties of writ petitioner, to the extent of 1.2 meters from the Road margins. It is further ascertained that the extent of portion running on petitioner's properties is around 41 sq ft out of total 220 sq ft belongs to Mr. Dhakshinamoorthi, 43 sq ft out of 220 sq



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ft belongs to Mrs. Ranganayagi and 43 sq ft out of 226 sq ft belongs to Mohamed Ibrahim.

8. It is submitted that in pursuance of the report from the Tahsidlar, the Divisional Engineer, (C&M), Thiruvallur, is directed to address this issue, make immediate and appropriate arraignments to remove the portion of storm water drainage running on petitioners' properties and hand over possession at the earliest. The officials concerned have requested three months time to place suitable alternative arrangement, as the raining season is already started.”

4. Learned Government Advocate appearing for respondents 2 to 5 submitted that pending writ petition the portion of storm water drainage running on the petitioners' properties were removed and the same was also admitted / confirmed by the learned counsel for the petitioners.

In view of the above submission made by the learned counsel on either side, the **writ petition stands closed**. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes/No

Speaking/Non Speaking order



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