



WEB COPY



A.No.1709 of 2024 in
C.S.No.730 of 2019

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N.SATHISH KUMAR, J.

The present applicants, who are applicants in O.A.No.869 of 2023 have come up with this application seeking clarification, [to restrain the other side from putting up construction] in respect of the order passed by this Court in O.A.No.869 of 2023 dated 18.10.2023

2. On an earlier occasion, viz., 18.10.2023, the learned counsel for the 1st respondent / plaintiff made a submission that they are not putting up any construction. Recording the same, this Court also directed the parties to maintain the status quo and held that there shall not be any additional construction till the disposal of the suit. Now, this application has been taken out seeking clarification.

3. It is the main contention of the learned counsel appearing for the applicants / defendants 1 to 3 that as far as Schedule Nos.2 and 3 and 7, 9 and 10, this Court has not granted injunction, originally in favour of the plaintiff, besides this Court has also recorded a prima facie finding to the



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effect that the plaintiff have no right in the schedule. At present, in view of the order dated 18.10.2023, now the problem arose to the applicants that they may not be in a position to even put up a compound wall to prevent the house, since the compound wall was removed by the Highways Department.

4. The photographs have also placed before this Court, which would indicate that the entire area adjacent to the front portion has been removed and the building has not been protected at present. Further, if the applicants are not permitted to put up a compound wall within its private land, it may lead to further loss to the applicants. At this stage, the learned counsel appearing for the respondents would submit that even the building is the encroachment and is to be removed.

5. In such view of the matter, it is for the authorities to identify whether the building is encroached in the government land. In such a case, let the Government take action as per law. At present, just permitting the applicants to put up a compound wall within its private land, will not prejudice any one.



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6. Accordingly, the applicants are permitted to put up a compound wall in front of the removed area. It is also made clear that under the pretext of the status quo order, existing tenants shall not be disturbed by both sides. That apart, the learned counsel on either side expressed their willingness to settle the matter amicably before Mediation Centre. Post before Mediation and Conciliation Centre, attached to High Court, Madras for mediation on 08.04.2024. The plaintiff and defendants 1 to 4 are directed to appear before mediation centre on the said date.

25.03.2024

ssd



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