

E.Selvaraj. Vs. the Commissioner and ors.

E.Selvaraj. Vs. the Commissioner and ors.

SooperKanoon Citation : sooperkanoon.com/928151

Court : Chennai

Decided On : Jul-23-2012

Judge : R.Sudhakar, J.

Acts : [Constitution of India](#) - Articles 226

Appeal No. : W.P.No.18825 of 2012 and M.P.No.1 of 2012

Appellant : E.Selvaraj

Respondent : The Commissioner and ors.

Advocate for Def. : Mr.V.C.Selvasekaran, Adv

Advocate for Pet/Ap. : Mr.V.M.Muralidaran, Adv.

Judgement :

Writ Petition is filed under Article 226 of the [Constitution of India](#) praying to issue a Writ of Mandamus, forbearing the respondents from interfering with the petitioners' peaceful possession and enjoyment of the properties in plots Nos.I, II, III, IV & V at Gajalakshmi Nagar Extn., Nolambur Village, Ambathur Taluk, Chennai-600 005 except due process of law.

ORDER

1. This Writ Petition is filed praying to issue a Writ of Mandamus, forbearing the respondents from interfering with the petitioners' peaceful possession and enjoyment of the properties in plots Nos.I, II, III, IV & V at Gajalakshmi Nagar Extn., Nolambur Village, Ambathur Taluk, Chennai-600 005 except due process of law.

2. Mr.V.C.Selvasekaran, learned counsel takes notice for the respondents. By consent, the writ petition is taken up for final disposal.

3. Petitioners' apprehension is that the respondents are trying to interfere with the petitioners' property as above. In the typedset of papers, this court finds no specific complaint or representation made to the authorities concerned. Therefore, at the outset no mandamus can be sought for.

4. The counsel appearing for the respondents states that unless it is a case of encroachment for which action will be taken as per the relevant provision of law, the respondents will not interfere with the properties of individuals, unless required and without following the due process of law.

5. The statement made by the learned counsel for the respondents as above is recorded. Further, liberty is given to the petitioners, to give representation to the competent authority who shall consider the same on merits and in accordance with law, if still they are aggrieved.

6. The writ petition is disposed of as above. No costs. Consequently, connected miscellaneous petition is closed.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com