

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.12801 of 2015

and

M.P.No.1 of 2015

S.Elumalai

.. Petitioner

- Vs -

1. The District Collector,
Tiruvallur District,
Tiruvallur.
2. The Tahsildar,
Ambattur Taluk,
Ambattur, Chennai - 53.
3. The Commissioner,
Corporation of Chennai,
Rippon Building, Chennai - 3.
4. The Zonal Officer,
Zone VII, Corporation of Chennai,
Ambattur, Chennai - 53.
5. Sri Mariamman Ponniamman Devasthanam Padi,
by its "Fit Person - Executive Officer",
A/m Thiruvalléeswarar Temple,
Padi, Chennai - 50.

.. Respondents

Prayer:- Writ Petition has been filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus forbearing the respondents from evicting the petitioner shop No.4 Comprised in No.58 Situated at Padi Revenue Village, Survey No.335/1 Grama Natham 1st Ward, Block II, T.S.No.6, without due process of law by considering the representation dated 13.04.2015.

For Petitioner

: Dr.R.Gouri

For Respondents 1& 2

: Mr.M.Dig Vijaya Pandian
Additional Government Pleader

For Respondents 3& 4

: Mr.P.V.Seevakumar

For Respondent 5

: Mr.M.L.Mahendran
Government Advocate (HR & CE)

O R D E R

By consent, the writ petition is take up for final disposal.

2. The petitioner claims that a lease agreement was executed between Ambattur Township and K.Mariamman Ponniamman Devasthanam and in pursuance therewith, Ambattur Township constructed shops popularly called as "Gandhi Market". The petitioner was allotted a shop bearing No.4 by the Ambattur Municipality and similarly 10 shops were allotted to some other persons to run their business. The petitioner was paying rent without any default. In the year 2011, Ambattur Municipality merged with Chennai Corporation and thereafter Chennai Corporation was collecting the rent from the petitioner. The petitioner further states that suddenly the second respondent erected a digital banner in the petitioner's premises stating that the property belongs to the Revenue Department and attempts have been made to dispossess him from the shop. In this regard, he filed a suit in O.S.No.216/2013 for permanent injunction and filed an application in I.A.No.777 of 2013 for ad interim injunction and notice was also ordered. It is stated by the petitioner that in spite of pendency of the suit, the second respondent is attempting to dispossess him. In this regard, he submitted a representation dated 13.04.2015 and without considering his representation, coercive steps were taken to dispossess him and hence the petitioner has come forward with this writ petition.

3. Heard Dr.R.Gouri, learned counsel appearing for the petitioner. Mr.M.Dig Vijaya Pandian, learned Additional Government Pleader accepts notice for respondents 1 and 2, Mr.P.V.Seevakumar, learned standing counsel accepts notice for respondents 3 and 4 and M.L.Mahendran, learned Government Advocate (HR & CE) accepts notice for the 5th respondent.

4. Though the petitioner prays for a larger relief, this Court without going into the merits of the representation, directs the first and second respondents to consider the representation of the petitioner dated 13.04.2015, on merits and in accordance with law and pass orders as expeditiously as possible, not later than four weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. This writ petition is disposed of accordingly. Consequently the connected miscellaneous petition is closed. No costs.
kk

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1. The District Collector,
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Tiruvallur.
2. The Tahsildar,
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5. The Fit Person - Executive Officer,
Sri Mariamman Ponniyamman Devasthanam Padi,
A/m Thiruvalléeswarar Temple,
Padi, Chennai - 50.

+ 1 cc to Dr.Gowri, Advocate SR 23829

+ 2 ccs to the Spl.Govt.Pleader (HR&CE) SR 23705

+ 1 cc to the Govt.Pleader SR 23713

vd(co)
prk25/5

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सत्यमेव जयते

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