

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.09.2015

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

W.P.No.30401 of 2015
and M.P.No.1 of 2015

P.Dhanalakshmi

... Petitioner

-Vs-

1. Tamil Nadu Slum Clearance Board,
rep by its Executive Engineer Zone IV,
Tondiarpet Division,
No.5, Kamarajar Salai,
Chennai - 600 005.

2. Arulmigu Agatheeswarar and
Senniamman Thirukkoil,
rep by its Executive Officer,
Tondiarpet, Chennai - 600 021.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus to forbear the 1st respondent from demolishing the property in No.114, Seniamman Koil Nagar, Tondiarpet, Chennai-600 081 or evicting the petitioner there from except by due process of law.

For Petitioner : Mr.J.Ravikumar

For Respondents: Mr.R.V.Babu (R1)
Mr.P.Sanjay Gandhi,
Additional Government Pleader (R2)

O R D E R

Alleging that without authority of law the respondent no.1 is trying to demolish the property said to be belonging to the petitioner in No.114, Seniamman Koil Nagar, Tondiarpet, Chennai-600 081, the present Writ Petition has been filed.

2. Even according to the petitioner, the vacant site belongs to the respondent no.2. Therefore, the learned counsel for the petitioner submitted that the respondent no.1 cannot have any legal right to interfere with the possession and enjoyment of the petitioner, who is said to have acquired the right through one Krishnammal.

3. The learned Additional Government Pleader appearing for the respondent no.2 submitted that a suit was filed against the son of Krishnammal and a decree has been obtained. Pursuant to the decree obtained, execution is also laid. Therefore, the petitioner, without disclosing the above said facts, has come forward to file this Writ Petition.

4. It is the specific case of the petitioner himself that the land belongs to the temple. The records produced by the learned Additional Government Pleader appearing for the respondent no.2 would show that a suit has been filed at the instance of the respondent no.2 in O.S.No.1742 of 2005 on the file of the City Civil Court, Chennai. Thus, the petitioner has to work out the remedy in the pending suit instead of filing Writ Petition, as the respondent no.1 has got nothing to do with the property, which is the subject matter of the Writ Petition as well as the suit.

3. The Writ Petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Va

Sd/-

Assistant Registrar (Records)

/True Copy/

Sub-Assistant Registrar

To

1. The Executive Engineer Zone IV,
Tamil Nadu Slum Clearance Board,
Tondiarpet Division,
No.5, Kamarajar Salai,
Chennai - 600 005.

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2. The Executive Officer,
Arulmigu Agatheeswarar and
Senniamman Thirukkoil,
Tondiarpet, Chennai - 600 021.

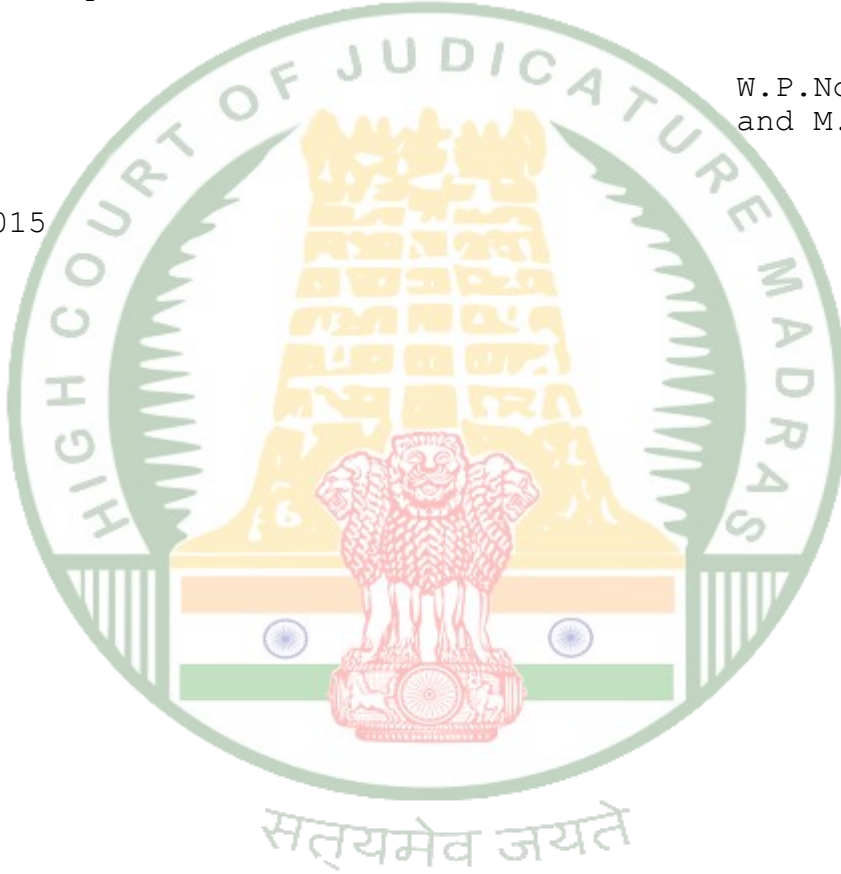
+1 C.C. To MR.J.RAVIKUMAR, Advocate in SR.NO.52531

+1 C.C. To MR.K.V.BABU, Advocate in SR.NO.52789

+1 C.C. To Special Government Pleader (HR & CE) in SR.NO.53152

TS (CO)
sd : 09/10/2015

W.P.No.30401 of 2015
and M.P.No.1 of 2015



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