

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:25.11.2015

C O R A M

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

W.P.No.10882 of 2003

&

W.P.M.P.No.13707

Kamala

...Petitioner

Vs.

1.The State of Tamil Nadu
rep. By the Secretary to
Government,
Revenue Department,
Fort St.George, Chennai - 9.

2.The Collector of Chennai,
Chennai 600 001.

3.The Tahsildar,
Egmore-Nungambakkam Taluk,
Chennai 600 031.

4.The Corporation of Madras,
rep. By its Commissioner,
Ripon Buildings,
Chennai 600 003.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records of the fourth respondent i.e., Commissioner, Corporation of Chennai 600 003, culminating in the notice serial No. 179 dated 16.09.2002, affixed on the door of the petitioner on 25.03.2003 quash the same consequently directing the fourth respondent not to evict the petitioner from the area 313 sq.ft in block No.34, Vaikundapuram 1st street, Division No.107, Kamarajapuram Extension, Nungambakkam, Chennai 600 04.

For Petitioner : Mr.K.Balakrishnan

For RR1 to RR4 : Mr.R. Rajeswaran
Special Government Pleader

O R D E R

By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2. Heard Mr.K.Balakrishnan, learned Counsel appearing for the petitioner and Mr.R.Rajeswaran, learned Special Government Pleader appearing for the respondents.

3.The petitioner has filed this Writ Petition, challenging the notice issued by the Corporation of Chennai, which is said to have been affixed in the door of the petitioner's premises, calling upon the petitioner to remove the encroachment, which is said to be affecting the free flow of traffic.

4.The petitioner along with others earlier filed Writ Petition in W.P.No.675 of 1996, which was disposed of by an order dated 13.11.2001, stating that the petitioner and others should not be forcibly evicted from the disputed land without following the procedure contemplated under law. The petitioner has now filed the Writ Petition stating that without resorting to the procedure contemplated under law, the petitioner is sought to be evicted.

5.At the time when the Writ Petition was entertained, an order of status quo was granted for a limited period and that was not extended beyond the period of four weeks from 09.04.2003. Therefore, at this distance of time, the question of examining the correctness of the impugned proceedings cannot be decided and nothing virtually survives in the Writ Petition.

Accordingly, the Writ Petition is closed, leaving it open to the respondents to take fresh action, if there is a need for the same. No costs. Consequently, connected Miscellaneous Petition is closed.
rpa

Sd/-
Asst.Registrar

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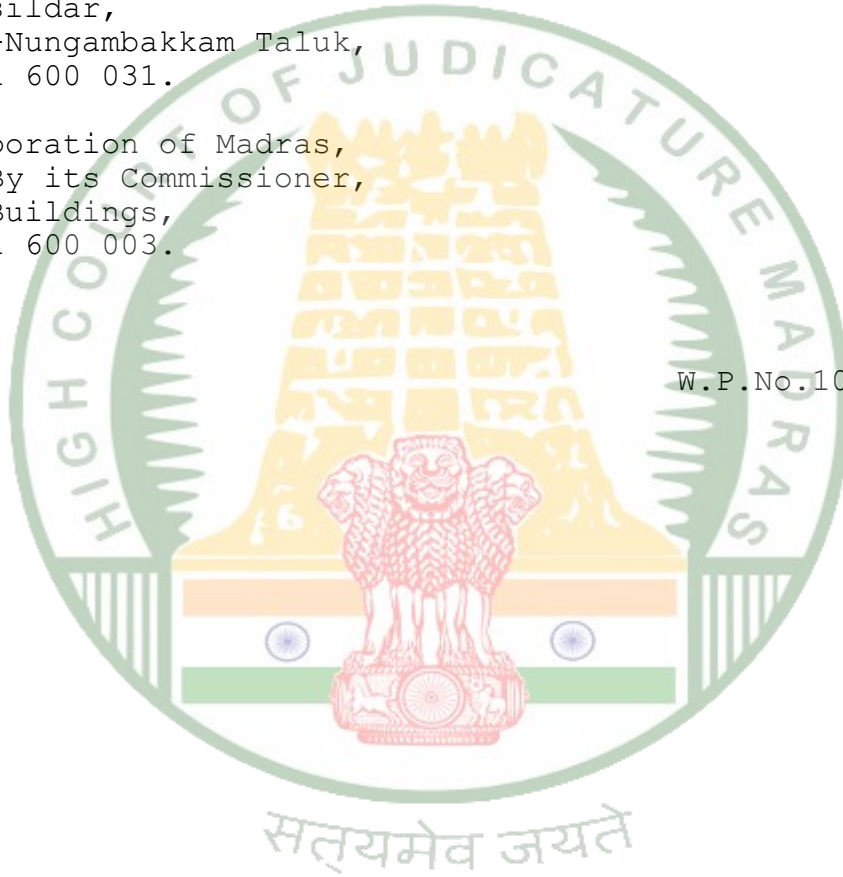
Sub Asst. Registrar

To

1. The Secretary to Government,
The State of Tamil Nadu,
Revenue Department,
Fort St.George, Chennai - 9.
- 2.The Collector of Chennai,
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- 3.The Tahsildar,
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VS/CO
KR/8/11



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