

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P.No.17364 of 2011

and

M.P.Nos.1 of 2011 & 1 of 2012

R.Saraswathi

.. Petitioner

-vs-

The General Manager (Administration),
Estate Officer (H),
Heavy Vehicles Factory,
Ministry of Defence,
Avadi, Chennai-54.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus forbearing the respondent, their men, agents, servants, subordinates or any body acting on their behalf in any way interfering with petitioner's peaceful possession and enjoyment of the schedule property.

For Petitioner : Mr.P.Anandan

For Respondents : Mr.J.Madhana Gopal Rao

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner alleges that she is in possession of the land in S.F.No.748/1 & 2 situated in Kovilpathagai village, Saidapet Taluk, having been purchased by her predecessor-in-interest from the then occupants of the land. The petitioner alleges that she is sought to be displaced from the same and thus, seeks a restraint by filing the present petition under Article 226 of the Constitution of India.

2. The counter-affidavit shows that the land is actually not a Government poramboke land and in any case, there could not be any sale, as it is a Government land. The survey numbers in

question stand transferred to the Government of India, Ministry of Defence for establishing a Tank Factory at Avadi. The sale deeds sought to be relied upon by the petitioner show that the scheduled property is situated in S.F.No.710/4 and not the survey numbers in question. The transfer was made vide G.O.Ms.No.798, dated 16.4.1969 and is in the Reserve Forest area. The sale deeds are also not registered ones, but prepared on stamp papers of Rs.5/- and Rs.10/- dated 09.09.1992.

3. The petitioner has been granted an opportunity to appear before the Estate Officer, HVF Avadi vide letter dated 04.03.2011 along with all connected original documents. But the petitioner failed to avail of the opportunity and rushed to the Court. The result is that those proceedings initiated under Public Premises (Eviction of Unauthorised Occupants) Act, 1971 could not be initiated, in view of the interim order.

4. We are, thus, of the view that the petitioner should file the relevant documents with the Estate Officer, HVF Avadi within fifteen days from today in pursuance to the letter dated 04.03.2011, whereafter, dependent on the documents produced, action in accordance with law will be taken, if required.

5. The writ petition, accordingly, stands disposed of. No costs. Consequently, M.P.Nos.1 of 2011 and 1 of 2012 are closed.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

bbr

To

The General Manager (Administration),
Estate Officer (H),
Heavy Vehicles Factory,
Ministry of Defence,
Avadi, Chennai-54.

1 cc to M/s. Ravi Shanmugam, Advocate, Sr. 65626
1 cc to M/s.J. Madanagopal Rao, Advocate, Sr. 65602
1 cc to Mr.P. Anandan, advocate, Sr. 65629 (Dated: 2/12/2016)

W.P.No.17364 of 2011

RSI (CO)
kk 16/11