

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH  
and  
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Writ Petition No.25270 of 2016  
and WMP.No.21630 of 2016

D.P.Chandramathy .....Petitioner

Vs.

1.State Rep. By its Secretary  
Housing and Urban Development  
Government of Tamil Nadu  
Secretariat, St.George Fort  
Chennai-600 009

2.The Commissioner  
Land and Revenue Record  
Ezhilagam, Chepauk  
Chennai-600 005

3.The District Collector  
Office of the Collectorate  
Thiruvallur District

4.The Commissioner  
Avadi Municipality  
Avadi, Chennai-600 054

5.A.Selvaraj .....Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing 1<sup>st</sup> to 4<sup>th</sup> respondents from evicting or demolition petitioner's land and building situated in S.No.716/10, Ward No.1, Block No.21, T.S.No.37/1, Ext.00141 sq.m., at No.9, Jeevanandham 4<sup>th</sup> Street, Kumaran Nagar, Kamaraj Nagar Post, Avadi, Chennai-600 071, in the light of O.S.No.406 of 2006 decreed in favour of the petitioner.

For Petitioner : Mr.I.Arockia Selvaraj

For Respondents: Mrs.A.Srijayanthi, Spl.G.P. For R1 to R3  
Mr.R.M.Muthukumar, Govt.Advocate  
for R4.

O R D E R

(Order of the Court was made by HULUVADI G. RAMESH,J.)

Heard Mr.I.Arockia Selvaraj, learned counsel for the petitioner, Mrs.A.Srijayanthi, learned Special Government Pleader, who accepts notice on behalf of the respondents 1 to 3 and Mr.R.M.Muthukumar, learned counsel for the 4<sup>th</sup> respondent.

2. This Writ Petition is filed praying to forbear respondents 1 to 4 from evicting the petitioner from his land and building in S.No.716/10, Ward No.1, Block No.21, T.S.No.37/1, Ext.00141 sq.m., at No.9, Jeevanandham 4<sup>th</sup> Street, Kumaran Nagar, Kamaraj Nagar Post, Avadi, Chennai-600 071, in the light of O.S.No.406 of 2006 decreed in favour of the petitioner.

3. In the accompanying affidavit, it is averred that the petitioner is the owner of the property mentioned above; that the petitioner filed suit in O.S.No.406 of 2005 before Principal District Munsif Court at Poonamallee for the relief of restraining 5<sup>th</sup> respondent from trespassing into her land and the trial court decreed the suit in her favour. It is further averred that 5<sup>th</sup> respondent through his influence approached 4<sup>th</sup> respondent and sought to demolish the petitioner's property and in this regard, representation dated 23.06.2016 has been preferred before respondents 1 to 4.

4. Learned counsel for the petitioner submits that the building in question was constructed as per the approved plan, however, the 4<sup>th</sup> respondent issued notice directing the petitioner to demolish and remove the unauthorised building, and hence, the said notice cannot be sustained. Learned counsel also submitted a copy of the building plan for our perusal.

5. We have anxiously considered the submissions made by the learned counsel for the petitioner and the documents placed before this court.

6. It is also a matter of record that as against the notice dated 03.11.2015 issued by the 4<sup>th</sup> respondent, the petitioner already approached this court by way of W.P.No.3421 of 2016 and this court, dismissed the prayer sought for. Now, it is seen that the representation made by the petitioner dated 23.06.2016 is pending before the respondents 3 and 4 and hence, it is for the respondents 3 and 4 to consider the same and pass appropriate orders in accordance with law. The petitioner in support of her claim, furnished a copy of decree in O.S.No.406 of 2005, which can also be scrutinized by respondents 3 and 4 in a proper manner and necessary orders may be issued to the petitioner within a period of 3 months from the date of receipt

of a copy of this order. Till such orders are passed, respondents 3 and 4 shall not take any coercive steps against the petitioner.

7. The Writ Petition is disposed of with the above direction. No costs. Consequently, connected WMP is closed.

Sd/-  
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Secretary  
Housing and Urban Development  
Government of Tamil Nadu  
Secretariat, St.George Fort  
Chennai-600 009

2.The Commissioner  
Land and Revenue Record  
Ezhilagam, Chepauk  
Chennai-600 005

3.The District Collector  
Office of the Collectorate  
Thiruvallur District

4.The Commissioner  
Avadi Municipality  
Avadi, Chennai-600 054

+2 cc's to B.Chandran, advocate, sr.43121.

vd(co)  
krd 22/8

W.P.No.25270 of 2016

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