

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.31564 of 2017

Tmt.Mariam Bee.K.

.. Petitioner

Vs.

1. The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai-600 003.

2. The Zonal Officer,
Greater Chennai Corporation,
Zone-VI, Anderson Road,
Ayanavaram, Chennai-600 023.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents to dispose of the representation given by the petitioner on 26.10.2017 within a stipulated time as may be fixed by this Court.

For Petitioner : Mr.M.Saravana Kumar

For Respondents : Mr.T.C.Gopalakrishnan

ORDER

The petitioner has come forward with this Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents to dispose of the representation given by the petitioner on 26.10.2017 within a stipulated time as may be fixed by this Court.

2. It is the case of the petitioner that he is the Power Agent of Janakirama Reddiar, who purchased the property in question in April 1954, and the vendor has been in peaceful possession and enjoyment of the said property with absolute rights and he has also been paying statutory taxes till 2009. While so, the second respondent tried to encroach upon the said property and the respondents initiated land acquisition proceedings in respect of the property, without following due process of law, though they are the quasi-Government

authorities, and hence, the vendor filed the suit in O.S.No.8516 of 2009 before the City Civil Court, Chennai, against the respondents restraining the respondents from disturbing the peaceful possession of the petitioner's vendor. In the said suit, the petitioner was acting as Power Agent of the vendor to contest the suit. The vendor executed a Will in favour of the petitioner. As the vendor passed away in July, 2009, and the property falling within the Greater Chennai City limits, the Will was submitted for probate in O.P.No.903 of 2013 before this Court, which was ordered on 16.02.2015 in favour of the petitioner. Though other encroachers settled with the deceased Janakirama Reddiar, the vendor of the petitioner, however, the respondents herein are trying to encroach upon the lands of the petitioner to the extent of 10 grounds without following due process of law. After probate of the Will on 16.02.2015, the petitioner has become the absolute owner of the said 10 grounds and had entered into a sale agreement with one K.Farida, but due to the encroachment, the agreement holder declined for registration formalities till the encroachment is removed. Hence, the petitioner has sent a representation on 26.10.2017 to the respondents. Since the said representation is not yet considered, the petitioner has filed the present Writ Petition for the relief stated supra.

3. According to the learned counsel for the respondents, the petitioner is trying to get the property in question belonging to private parties and hence, the petitioner is not entitled to get the land allotted for public purpose. This Court is not inclined to go into the merits of the matter, as the said representation is pending.

4. Considering the limited scope of the prayer made in this Writ Petition, taking into consideration the facts and circumstances of the case, this Court, without going into the merits of the case, directs the respondents to dispose of the said representation, dated 26.10.2017, if the same is still pending and pass appropriate orders in accordance with law, within a period of one month from the date of receipt of a copy of this order, after hearing the petitioner and other persons who are likely to be affected. If the said representation is already disposed of, a copy of the order passed in the said representation, shall be furnished to the petitioner.

5. With the above observations and directions, the Writ Petition is disposed of. No costs.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

CS

To

1. The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai-600 003.

2. The Zonal Officer,
Greater Chennai Corporation,
Zone-VI, Anderson Road,
Ayanavaram, Chennai-600 023.

+ 1 cc to Mr.M.Saravana Kumar Advocate,SR.90914

+ 1 cc to Mr.T.C.Gopalakrishnan Advocate,SR.92276

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br(co)
nr 13/02/2018



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