

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2017

CORAM

THE HON'BLE MR. JUSTICE M.DURAI SWAMY

W.P.No.22867 of 2017

and

WMP.No.24046 of 2017

N.V.Krishnan Bhat

... Petitioner

vs.

1.The Commissioner,
Greater Chennai Corporation,
Rippon Buildings,
Chennai - 60 0003.

2.The Assistant Commissioner,
Corporation of Chennai,
Zone 13, Chennai.

3.The Executive Engineer,
Greater Chennai Corporation,
Zone 13, Saidapet, Chennai - 15.

4.The Assistant Engineer,
Division No.174,
Maduvangarai, Saidapet,
Chennai.

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus, forbearing the respondents from evicting the petitioner from the property bearing Door No.106, Velachery Main Road, Chennai - 600 042, except due process of law.

For Petitioner : Ms.T.Gnana Banu

For Respondents : Mr.P.V.Selvakumar
Standing Counsel

O R D E R

By consent, the main writ petition itself is taken up for disposal at the admission stage itself.

2. The petitioner has filed the above Writ Petition, to issue a writ of mandamus, forbearing the respondents from evicting the petitioner from the property bearing Door No.106,

Velachery Main Road, Chennai - 600 042, except under due process of law.

3. The learned counsel for the petitioner submitted that the petitioner filed a suit in O.S.No.1139 of 1994 on the file of XII Assistant Judge, City Civil Court, Chennai and also obtained a decree in the said suit on 01.04.1997. Further, the learned counsel submitted that in spite of the decree granted in O.S.No.1139 of 1994, the respondents are trying to dis-possess the petitioner from his premises.

4. Mr.P.V.Selvakumar, learned Standing Counsel, taking notice for the respondents, submitted that the respondents may be directed not to dis-possess the petitioner, except under due process of law, in view of the decree passed in O.S.No.1139 of 1994.

5. In view of the submissions made by the learned counsel on either side and having regard to the fact that the petitioner is in possession of the property for a long time and also that he had obtained a decree in O.S.No.1139 of 1994 as early as on 01.04.1997, in the event of the respondents evicting the petitioner, the same can be done only in accordance with law following the procedures laid down under the Act.

6. With these observations, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Commissioner,
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Chennai - 60 0003.

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4.The Assistant Engineer,
Division No.174,
Maduvangarai, Saidapet,
Chennai.

+1cc to Mr.T.Gnana Banu, Advocate, S.R.No.62000
+1cc to Mr.P.V.Selva Kumar, Advocate, S.R.No.61987

W.P.No.22867 of 2017

GN (06/09/2017)



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