

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2017

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.20146 of 2016

Indus Seafarers Training Academy,
Rep. By its Director Mr.D.Prakash,
Indus Campus, Manali Saravana Street,
Kumananchavadi,
Kunrathur Main Road,
Mangadu, Chennai - 600 122.

.. Petitioner

Vs

- 1.The Member Secretary,
Chennai Metropolitan Development Authority,
No.1 Gandhi Irwin Road,
Egmore, Chennai - 600 008.
- 2.The Executive Officer,
Mangadu Town Panchayat,
Mangadu, Chennai - 101.
- 3.The Tahsildar,
Sriperumbudur Taluk,
Kancheepuram District.
- 4.The Sub-Registrar,
Kundrathur,
Sriperumbudur Taluk,
Kancheepuram District.
- 5.The Cine Technicians Association of South India,
Rep. By its President Mr.K.Ramachandra Kurup,
4/7, North Usman Road,
T.Nagar, Chennai - 17.
- 6.C.Ravichandran

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records of the first respondent in relating to the proceedings issued in No.PPD/L O No.117/2003 Vide Letter No.L1/25979/2003, dated 29.10.2003 and quash the same insofar as

it relates to the leased property and claim of the petitioner measuring 3.00 acres comprised in S.Nos.538, 539 and 541 of Mangadu Village, Sriperumbudur Taluk, Kancheepuram District and consequently direct the fourth respondent to delete all the entries subsequent to the above said proceedings during the subsistence of the Lease Deed dated 08.07.2002.

For petitioner	: Mr.K.Shahul Hameed
For R1	: Mr.M.Karthikeyan
For R2 to R4	: Mr.M.Elumalai, GA
For R5	: Mr.T.T.Ravichandran
For R6	: Mrs.P.Kavitha

ORDER

By way of filing this writ petition, the petitioner seeks to quash the proceedings of the first respondent / Member Secretary, Chennai Metropolitan Development Authority, Chennai, vide Letter No.L1/25979/2003, dated 29.10.2003 insofar as it relates to his leased property measuring 3.00 acres comprised in S.Nos.538, 539 and 541 of Mangadu Village, Sriperumbudur Taluk, Kancheepuram District.

2. Heard the learned counsel appearing on either side.

3. It is the case of the petitioner that the fifth respondent owned lands measuring an extent of 5.92 acres in Survey Nos.538, 539, 541 and 546/2, Mangadu Village, Sriperumbathur Taluk, Kancheepuram District, in which, an extent of 3.00 acres was leased out to the petitioner for a period of 99 years and to that effect, a lease deed dated 08.07.2002 was also executed in favour of the petitioner on the file of the Sub-Registrar, Kunrathur. However, now, the fifth respondent has once again obtained a layout covering 4.72 acres including the lands leased out to the petitioner. Pursuant thereto, they have sold some of the plots to various private parties including the sixth respondent.

4. In my view, if the petitioner is really aggrieved by the encroachment made by the third respondent on the premise that they have purchased the lands from the fifth respondent, then he will have to work out his remedy in a manner known to law by approaching the Civil Court, for, it is not known whether the sixth respondent, who has been impleaded by this Court on 23.08.2016, has purchased the land from the fifth respondent, which forms part of 3.00 acres of land leased to the petitioner.

5. Learned counsel for the sixth respondent stated that subsequent to such controversy, an enquiry was conducted and a report was also filed on 25.11.2013 stating that the sixth respondent has purchased the plot from the fifth respondent, but, that is not falling within 3 acres of land leased out to the petitioner.

6. Therefore, in view of such disputed question of facts, this Court, sitting under Article 226 of the Constitution of India, cannot delve into such issues which require perusal of the various oral and documentary evidence to be adduced by the parties. Thus, this Court is not inclined to entertain the writ petition and accordingly, the same is dismissed. It is open to the petitioner to approach the Civil Court to work out his remedy in a manner known to law. No Costs. Consequently, connected miscellaneous petitions are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

rkm

To

- 1.The Member Secretary,
Chennai Metropolitan Development Authority,
No.1 Gandhi Irwin Road,
Egmore, Chennai - 600 008.
- 2.The Executive Officer,
Mangadu Town Panchayat,
Mangadu, Chennai - 101.
- 3.The Tahsildar,
Sriperumbudur Taluk,
Kancheepuram District.
- 4.The Sub-Registrar,
Kundrathur,
Sriperumbudur Taluk,
Kancheepuram District.

+1 cc to M/s.K.Shahul Hameed Advocate sr 1521
+1 cc to the Government Pleader sr 896

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