

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.43039 of 2016
and W.M.P.No.36888 of 2016

Janaki Joseph

...Petitioner

Vs.

1. The Corporation of Chennai,
Zone-7, represented by Zonal Officer,
Ambattur, Chennai - 600 053.
 2. The Ambattur Oragadam Cooperative
Building Society Limited (JJ 310),
Represented by Special Officer,
Old No.87-A, New No.44/2, Oragadam Road,
Venkatapuram, Ambattur,
Chennai - 600 053.
- ...Respondents

Prayer: This writ petition filed under Article 226 of the Constitution of India, to issue a writ or order direction in the nature of writ of mandamus forbearing the respondents from evicting the petitioner peaceful possession from morefully described in the C schedule of the property hereunder situated within the jurisdiction.

For Petitioner : Mr.S.Mythreye Chandru

For Respondent : Mr.Venkataramani
Additional Advocate General
Assisted by Mr.P.V.Selvakumar (For R1)
Mr.L.P.Shanmughasundaram (For R2)

ORDER

Heard M/s.Mythreye Chandru, learned counsel appearing for the petitioner, Mr.Venkataramani, learned Additional Advocate General appearing for the first respondent and Mr.L.P.Shanmughasundaram, learned counsel appearing for the second respondent.

2.The present writ petition has been filed by the petitioner inter alia alleging that the first respondent is attempting to evict her without due process of law. It is a case of the petitioner that the property belongs to her absolutely as per the revenue documents and the sale deeds.

3.It is the case of the first respondent that the land in which the construction is put up has been earmarked for children play ground as per the approved layout given in favour of the second respondent.

4.This Court cannot go into the said issue at this stage. If the first respondent is of the view that the petitioner is an encroacher or in occupation of the land which has been earmarked for public purpose, it is well open to the concerned authority to take appropriate action as per law after due notice to the petitioner by way of an opportunity of being heard and thereafter by passing a reasoned order.

5.With the above observation, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

To

1. The Corporation of Chennai,
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Chennai - 600 053.

+1 Cc to M/s. P.V. Selvakumar, Advocate sr 20125

+1 CC to M/s. K. Chandru, Advocate sr 19980

+1 Cc to Mr.L.P.Shanmughasundaram, sr 20176

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NRI (CO)
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