

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2018

CORAM

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

W.P.No.17191 of 2004

and

W.P.M.P.No.20425 of 2004

V.Elizabeth,
W/o M.Viswanathan,
Old No.37/A1,
New No.311 Main Road,
Vijai Nagar, Velachery,
Chennai-6000 042.

.... Petitioner

Vs

1. The District Collector,
Chennai District,
Chennai.

2. The Tahsildar,
Mambalam Guindy Taluk,
Guindy,
Chennai.

3. The Commissioner,
Corporation of Chennai,
Chennai.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus forbearing the respondents their men and subordinate from dispossessing the petitioner from the house situated in Survey No.249/IA, Vijai Nagar, Velachery, Chennai-600 042.

For Petitioner : Mr.R.Prem Narayanan

For Respondents

For R1 and R2 : Mr.K.Ravikumar
Additional Government Pleader

For R3 : Mrs.Karthika Ashok

O R D E R

The prayer sought for herein is for a Writ of Mandamus forbearing the respondents their men and subordinate from dispossessing the petitioner from the house situated in Survey No.249/IA, Vijai Nagar, Velachery, Chennai-600 042.

2. Heard Mr.R.Prem Narayanan, learned counsel appearing for the petitioner as well as Mr.K.Ravikumar, learned Additional Government Pleader appearing for the respondents 1 & 2 and Mrs.Karthika Ashok, learned counsel appearing for the third respondent.

3. The petitioner filed this writ petition with the aforesaid prayer on the strength that he had been continuously in possession of the said land/building for the past 50 years and in this regard he started paying the property tax to the local authority and also paid charges for drainage connection. When that being so, all of a sudden, the respondents in the month of October 2003 issued a show cause notice asking, as to why the land which is in the occupation of the petitioner should not be taken possession. As against the said move on the side of the respondents, the petitioner had given certain representations in November 2003 and June 2004. However, no positive action was forthcoming from the respondents and there had been a threat against the petitioner for vacating the petitioner from the land in question. Hence, the petitioner had chosen to file this writ petition.

4. Today Mr.K.Ravikumar, learned Additional Government Pleader appearing for the respondents, on instruction, would submit that, the land in occupation of petitioner was 'purambokku' land and merely because he had paid property tax and payment made for drainage connection that would not confer any title on him. Since, it is a Government purambokku land, the respondents wanted to remove the petitioner from such encroachment for widening the road and therefore the land in question had been taken from the possession of the petitioner as he had been evicted already. There had been no building there and the road widening work had already been completed.

5. For the submissions made by the learned Additional Government Pleader, the learned counsel appearing for the petitioner would submit that if the land in question is a purambokku land from where the occupant i.e., the petitioner had been evicted, where the road has been widened already, as has been submitted by the learned Additional Government Pleader, the same can be recorded by this Court and accordingly, this writ petition can be disposed of.

6. The fair stand taken by the learned counsel appearing for the petitioner is appreciable. Recording the said submission made by the learned Additional Government Pleader appearing for the respondents, as there is no contra submission made by the learned counsel appearing for the petitioner, this writ petition is dismissed. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

nsd/rts

To

1. The District Collector,
Chennai District,
Chennai.
2. The Tahsildar,
Mambalam Guindy Taluk,
Guindy,
Chennai.
3. The Commissioner,
Corporation of Chennai,
Chennai.

+1cc to Mr.Karthikaa Ashok, Advocate, S.R.No.74440
+1cc to the Government Pleader, S.R.No.75273

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VGI (CO)

rrs 11/12/2018

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