

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2018

CORAM

THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU

W.P.No.275 of 2018

and

W.M.P.No.333 of 2018

R.Anjalidevi ... Petitioner

vs.

1. The Tahsildar,
Solinganalur Taluk Office,
Kumaran Nagar,
Rajiv Gandhi Salai,
Solinganallur,
Chennai - 600 119.
2. The Executive Engineer,
Public Works department (Investigation)
No.88, Old no.113,
Pushpagiri Main road,
Padappai - 600 301,
Chennai.
3. The Village Administrative Officer,
Kovilambakkam,
Chennai - 600 117.

...Respondents

Writ Petitions filed under Article 226 of Constitution of India, to issue a Writ of Mandamus forbearing the 1st and 2nd respondent their officials and subordinates from dispossessing, evicting and demolishing the petitioners house in respect of the House property in S.No.123/26 (Block No.123) with a total extent of 0.0039 cents situated at No.3/1, Anna Nagar 1st Main Road, Eachangadu, Kovilambakkam, Chennai - 600 117.

For Petitioner : Mr.R.Sreedharan

For Respondents: Mr.R.Govindasamy,
Special Government Pleader

O R D E R

This writ petition is filed seeking for a mandamus forbearing the 1st and 2nd respondents, their officials and subordinates from dispossessing, evicting and demolishing the petitioner's house in respect of the House property in S.No.123/26 (Block No.123) with a total extent of 0.0039 cents situated at No.3/1, Anna Nagar 1st Main Road, Eachangadu, Kovilambakkam, Chennai - 600 117.

2. Heard both sides.

3. It is claimed by the petitioner that she is in possession and enjoyment of the subject matter property by residing therein for long number of years. It is the grievance of the petitioner that the respondents are trying to interfere with the possession without following the due process of law.

4. Learned Special Government Pleader, based on instructions, submitted that the petitioner is an encroacher and proceedings will be initiated against her for evicting her from the said property in accordance with law. Therefore, it is the contention of the learned Special Government Pleader that due process of law will be followed for evicting the petitioner from the said property.

5. Whether the petitioner is an encroacher or not is the issue which has to be considered and decided only when the proceedings are initiated against the petitioner in a manner known to law to evict her from the said property. As it is stated before this Court that the respondents are contemplating to proceed against the petitioner in accordance with law, the apprehension of the petitioner as such before this Court, that she will be evicted without following the due process of law, is not well founded. Therefore, recording the above statement made by the learned Special Government Pleader, this Writ Petition is disposed of by observing that any attempt made by the respondent to evict the petitioner from the subject matter property shall be only in accordance with law and not otherwise. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

vsi

To

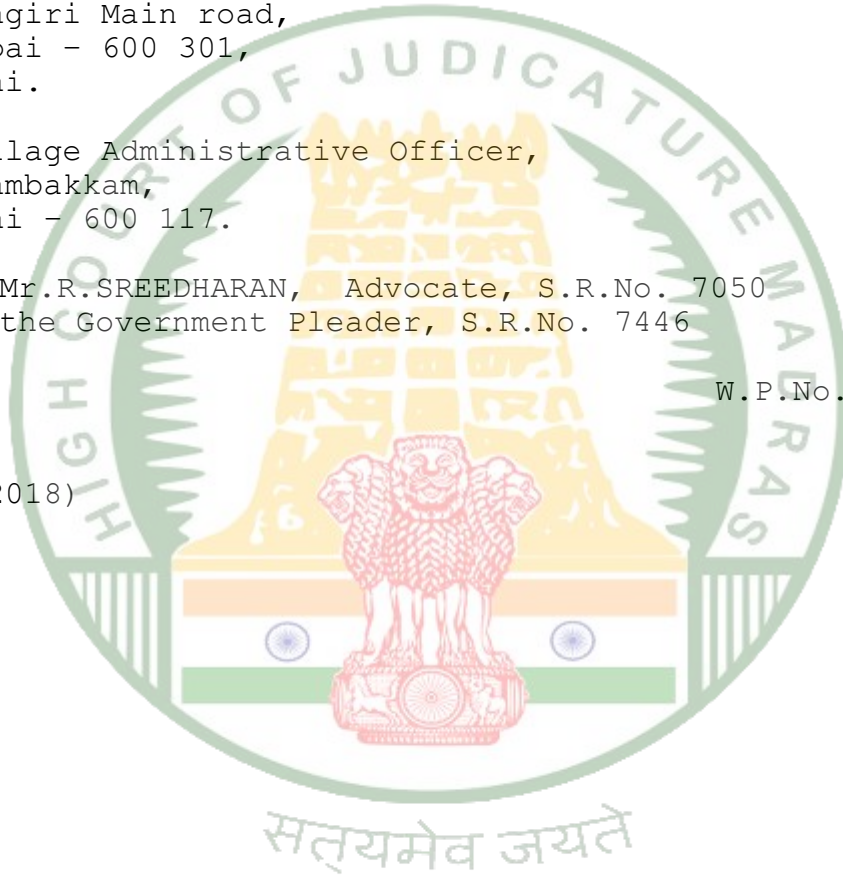
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+1cc to Mr.R.SREEDHARAN, Advocate, S.R.No. 7050

+1cc to the Government Pleader, S.R.No. 7446

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NRI (CO)
TR(07/02/2018)



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