

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2018
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.1208 of 2006
And
W.P.M.P.No.1355 of 2006

Janakiammal Charitable Trust
Repd by its Founder
K.Seenivasagam ... Petitioner

Vs.

1.The District Collector
Tiruvallur District.
2.The Sub Collector
Tiruvallur District. ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents from interfering with the petitioner's possession in respect of the property situate at New Sy.No.1, Old Sy.No.84 of Numbal Vellapanchavadi Village, Ambattur Taluk, Tiruvallur District.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mr.R.Govindasamy
Special Government Pleader

सत्यमेव जयते
O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus forbearing the respondents from interfering with the petitioner's possession in respect of the property situate at New Sy.No.1, Old Sy.No.84 of Numbul Vellapanchavadi Village, Ambattur Taluk, Tiruvallur District.

2.The case of the petitioner is that the property was purchased by him under registered instrument from Sarojini Ammal, Maheswari and Mekala. From the date of purchase on 13.11.1999, the petitioner was in possession of the property and patta also stands in the name of the petitioner. After

purchase, the petitioner Trust raised superstructure for achieving its objects. The property is also assessed to tax by the Thrivarkadu Panchayat. Whiles, on 24.12.2005, the first respondent through the Sub-Collector had attempted to demolish the building and it was stopped by the Trustees.

3.It is the further case of the petitioner that he was called upon to remove the window panes and the poor girl students were forced to move out. The Trust accommodated them temporarily in various places till the threat of demolition is removed. The petitioner has approached this Court by way of this writ petition for protection of legal rights, since the respondents are attempting to take law into their own hands and without even recourse to de process are threatening to remove the petitioner from settled petition.

4.Though the petitioner filed the writ petition seeking issuance of Writ of Mandamus forbearing the respondent from interfering with the peaceful possession of the petitioner, the learned counsel appearing for the petitioner would now submit that if the respondents intend to evict the petitioner in the manner known to law by invoking the relevant provisions of law, it is open for him to proceed with the matter.

5.The learned Special Government Pleader accepts the contention made by the learned counsel appearing for the petitioner and also undertakes that the petitioner's possession will be removed if the petitioner has encroached the Government property after following the due procedure as established in law.

6.In view of such undertaking given by the learned Special Government Pleader, the writ petition is disposed of in the above terms. It is open to the respondents to proceed the matter in the manner known to law. This Court makes it clear that till such time, without invoking any provision of law, the petitioner's possession cannot be disturbed. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Deputy Registrar

//True copy//

Sub Assistant Registrar

pri

To

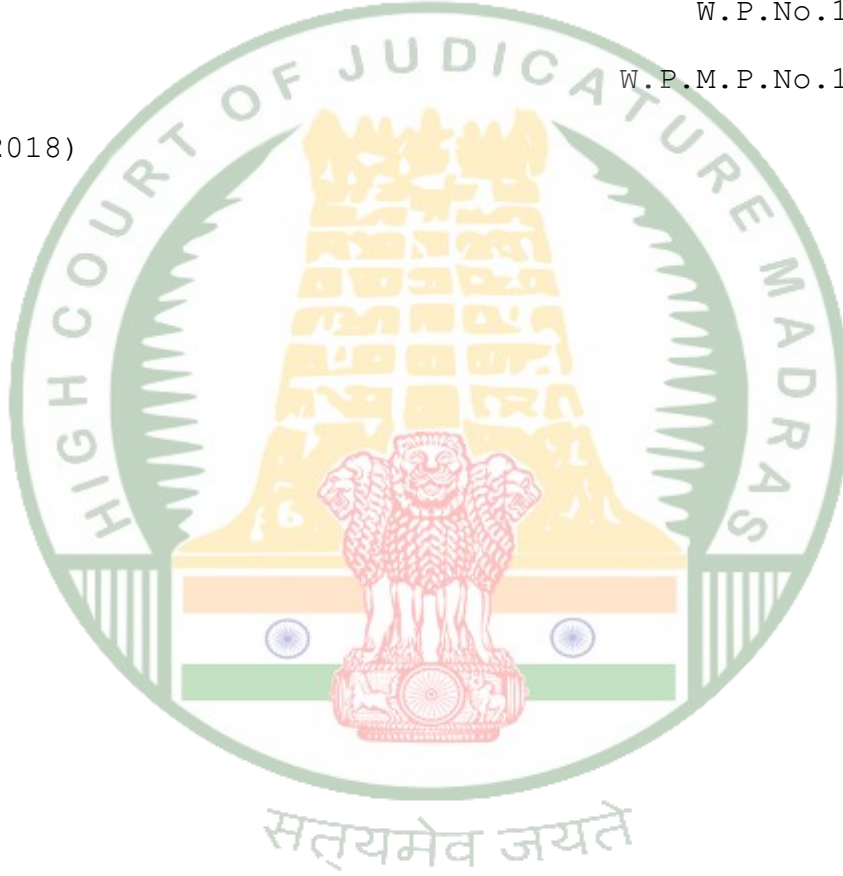
1.The District Collector
Tiruvallur District.

2.The Sub Collector
Tiruvallur District.

+1cc to Mr.V.Raghavachari, Advocate SR.No.26122
+1cc to Government Pleader SR.No.26771

W.P.No.1208 of 2006
And
W.P.M.P.No.1355 of 2006

GN(25/04/2018)



WEB COPY