

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.20595 of 2011 and
M.P.No.1 of 2011

Sree Lakshmi Ladies Association,
Branch WIA, Gandhiji Road,
Valasaravakkam, Chennai - 87

... Petitioner

Vs.

The Valasaravakkam Town Panchayat,
Represented by its Executive Officer,
Valasaravakkam, Chennai-87

... Respondent

Prayer:-

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to handover the possession of community hall situated at Door 33, Gandhiji Street, Alwarthirunagar, Valasaravakkam, Chennai.

For Petitioner : M/s.V.Srimathi

For Respondents : M/s.Karthika Ashok,
Standing Counsel

ORDER

By consent, this writ petition is taken up for final disposal.

2. The case of the petitioner is that the petitioner association is a registered body. The registration number is 24/1972 on the file of the Registrar of Societies, Saidapet. It has been functioning since 1972 onwards. Pursuant to a layout approved by the respondent and the statutory authorities in 1969, the land was allotted for community purposes and it is situated adjacent to the main road. On this land, the petitioner association at its costs constructed a community hall situated in middle of the earmarked and adjacent to the temple. While being so, in 1970 the petitioner association approached the Secretary of the then Panchayat, Valasaravakkam and requested allotment of land for the association and

Valasaravakkam Panchayat also granted 2400 sq.ft. land vide resolution No.56 dated 31.08.1977 and immediately after obtaining the land from the panchayat, the petitioner is doing social work from this place. Again the petitioner association approached the panchayat for more land for construction of association building. Thereafter the panchayat granted further 252 sq.ft land for lease for a period of 99 years for the monthly rental of Rs.25/- and periodically the rent was revised upto Rs.150/- and thereafter the petitioner continued enjoying the said land to the extent of 2700 sq.ft approximately. While being so, for the extension of the road, the respondent's office was demolished by the Highways Department. Thereafter the respondent approached the petitioner and made request to use the community hall for the administration of panchayat office on temporary basis. Thereafter the premises was not handed over to the petitioner. Therefore, the petitioner made several representations, one such representation dated 27.07.2009 in this regard, however the same have not been considered. Hence, the petitioner association has filed this writ petition.

3.The learned counsel appearing for the petitioner would submit that after the lease was granted in favour of the petitioner, the petitioner constructed building and till date the lease is not terminated in the manner known to law however the respondent has forcibly taken the community hall and hence appropriate direction may be issued to the respondent to hand over the possession of the building to the petitioner.

4.M/s.Karthika Ashok, learned Standing Counsel appearing for the respondent would submit as per the request of the petitioner 525 sq.ft of land was allotted for constructing a new building vide proceedings No.86 dated 30.08.1983 and after completion of building, it was handed over to town panchayat and the petitioner was let in as a tenant vide Lr.R.C.No.268/83 dated 15.02.1989 fixing rent at Rs.150/- per month. In the year 2002 the Town Panchayat Building was demolished and the office was shifted to the existing office. As proceedings No.R.C.268/83 dated 22.03.1984 it is clearly stated that the petitioner has no rights in the property and the same is vested with Panchayat, now merged with the Corporation of Chennai. It is further submitted that as per the lease agreement entered between the petitioner and the panchayat the property can be used by the panchayat for its office purpose and only based on the permission the petitioner cannot claim any right over the property. It is the respondent holding the building with rights of ownership and as a custodian of public.

5.Though the respondent has stated in the counter affidavit that they are holding the right of ownership, since the petitioner association has made several representations in this

regard, I am inclined to issue a direction to the respondent to pass orders on the representations of the petitioner association. Accordingly, the respondent is directed to consider the representation dated 27.07.2009 of the petitioner and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this Order.

6. With the above direction, this writ petition stands disposed of. Consequently connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

lok

To

The Executive Officer,
The Valasaravakkam Town Panchayat,
Valasaravakkam, Chennai-87

+1cc to Mr.V.Raghavachari, Advocate, S.R.No.88545
+1cc to M/s.Karthika Ashok,, Advocate, S.R.No.88603

W.P.No.20595 of 2011

SS(CO)
CS/28/11/2019

सत्यमेव जयते

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