

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2019

CORAM :

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAIWAMY

W.P.No.23787 of 2019 and

W.M.P.No.23655 of 2019

The Institute of the Brothers of St.Patrick,
Gandhi Nagar, Adyar, Chennai - 20,
rep by its Secretary Bro. Johnson

.. Petitioner

Vs.

1.The Commissioner,
Corporation of Chennai,
Ripon Building, Chennai - 600 003.

2.The Commissioner,
Commissioner of Police,
Chennai.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of mandamus forbearing the 1st respondent not to dispossess the petitioner Institution in their registered private lands comprised in S.No.2/1 (T.S.No.2/Part) of Block No.24 admeasuring 10 acres and 2 grounds in Kottur Village, Mylapore-Triplicane Taluk, Chennai District pendency of the suit in O.S.No.4413 of 2005 on the file of VI Assistant City Civil Court, Madras.

For Petitioner : Mr.AR.L.Sundaresan, Senior Counsel
for Mr.M.L.Ganesh

For Respondents: Mrs.Narmadha Sampath,
Additional Advocate General
assisted by Mr.R.Arunmozhi (R1)

O R D E R

(ORDER OF THE COURT WAS MADE BY M.DURAISWAMY, J.)

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus forbearing the 1st respondent not to dispossess the petitioner Institution in their registered private lands comprised in S.No.2/1 (T.S.No.2/Part) of Block No.24 admeasuring 10 acres and 2 grounds in Kottur Village, Mylapore - Triplicane Taluk, Chennai District pending suit in O.S.No.4413 of 2005 on the file of the VI Assistant Judge, City Civil Court, Chennai.

2.When the petitioner moved the above Writ Petition for admission on 10.08.2019, it was brought to the notice of this Court that the 1st respondent had issued a notice dated 27.07.2019 to the petitioner under Sections 220 & 222 of the Chennai City Municipal Corporation Act, 1919, for taking possession of the encroached land. It was also brought to the notice of this Court by the learned Additional Advocate General appearing for the 1st respondent - Corporation that the 1st respondent had already taken possession of the encroached land from the petitioner.

3.When the Writ Petition is taken up for hearing today, Mr.AR.L.Sundaresan, learned senior counsel appearing for the petitioner submitted that the Writ Petition may be dismissed for the reason that the 1st respondent had already issued a notice dated 27.07.2019 and also the petitioner had challenged the same in W.P.No.24182 of 2019.

4.In view of the submission made by the learned senior counsel for the petitioner, the Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

-Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

va

To

1.The Commissioner, Corporation of Chennai,
Ripon Building, Chennai - 600 003.

2.The Commissioner,
Commissioner of Police, Chennai.

+1 cc to M/s.M.L.Ganesh Advocate sr74154
+1 cc to M/s.R.Arunmozhi Advocate sr73786

W.P.No.23787 of 2019 and
W.M.P.No.23655 of 2019

rk(co)
aa18/09/2019