

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.12.2019

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.33851 of 2019 and
W.M.P.No.34372 of 2019

Leelavathi

... Petitioner

...Vs...

1. The Commissioner,
Office of the HR & CE,
No.119, Uthamar Gandhi Road,
Chennai - 600 034.
2. The Joint Commissioner,
Office of the HR & CE,
No.119, Uthamar Gandhi Road,
Chennai - 600 034.
3. The Executive Officer,
Office of the HR & CE,
No.119, Uthamar Gandhi Road,
Chennai - 600 034.
4. The Tahsildar,
Taluk Office,
Tondiarpet,
Chennai - 600 081.
5. The Sub Registrar,
Office of Sub Registrar,
Royapuram,
Chennai.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent himself or any officers on his deputation to conduct an overt enquiry with regard to the ownership in respect of the property to an extent of 6771 sq ft,

comprised survey number 1476 situated at East Cemetery Road, Old Washermenpet, Chennai - 600 021 by disposing of the representation dated 05.10.2018 pending on the file of the 1st respondent.

For Petitioner : Mr.S.Jayakumar

For Respondents : Mr.M.Maharaja,
Special Government Pleader
(for R1 to R3)
Mr.R.Govindasamy
Special Government Pleader
(for R4)
Mr.J.Purushothaman,
Government Advocate (for R5)

O R D E R

The petitioner claims to have purchased the property at Survey No.1476 in East Cemetery Road, Old Washermenpet, Chennai - 600 021 by way of Sale Deed, dated 05.03.2010. Unfortunately, there are several tenants in the said property who are disputing the title of the petitioner. It is not only the tenants. But also the the 3rd respondent who is the Executive officer of the Gajavaradharaja Perumal Thirukoil who is disputing the title of the petitioner.

2. Since the tenants had not paid the rents by stating that the premises belonged to HR & CE Department, the petitioner had given a representation dated 05.10.2018 to the Commissioner, HR & CE, seeking an enquiry with all all the tenants. The particular representation was forwarded to the Joint Commissioner by a memo dated 28.01.2019, bearing X/K/vz;/64237-2018-Mu;2. Dated 28.01.2019.

3. Heard Mr.M.Maharaja, learned Special Government Pleader for R1 to R3, Mr.R.Govindasamy, learned Special Government Pleader for R4 and Mr.J.Prushothaman, learned Government Advocate for R5.

4. Since a representation has been given by the petitioner, and is now on the table of the 2nd respondent viz., Joint Commissioner, HR & CE, Chennai, the 2nd respondent is requested to dispose of the said representation after giving due

opportunity to all stake holders and pass appropriate orders within a period of six weeks from the date of receipt of this order.

5. With the above observation, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1. The Commissioner,
Office of the HR & CE,
No.119, Uthamar Gandhi Road,
Chennai - 600 034.
2. The Joint Commissioner,
Office of the HR & CE,
No.119, Uthamar Gandhi Road,
Chennai - 600 034.
3. The Executive Officer,
Office of the HR & CE,
No.119, Uthamar Gandhi Road,
Chennai - 600 034.
4. The Tahsildar,
Taluk Office,
Tondiarpet, Chennai - 600 081.
5. The Sub Registrar,
Office of Sub Registrar,
Royapuram, Chennai.

+1cc to the Government Pleader SR.101664
+1cc to Mr.S.Jeyakumar, Advocate Sr.101412

W.P.No.33851 of 2019 and
W.M.P.No.34372 of 2019

jp[co]
srg 09/01/2020