

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2020

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.12280 of 2020
and
W.M.P.No.15073 of 2020

V.Lakshmi
W/o K.Venkatesan
Plot No.120, Door No.44/7,
New Boag Road,
T.Nagar,
Chennai - 17.

... Petitioner

Vs

- 1.The TamilNadu Housing Board,
rep. by its Managing Director,
Nandanam,
Chennai - 600 035.
2. The Executive Engineer cum Executive Officer,
The Tamil Nadu Housing Board,
Mogappair Division, TNHB,
Thirumangalam,
Chennai.
3. The Inspector of Police,
T-3, Korattur Police Station,
Koruttur, Chennai - 80.

.. Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying Writ of Mandamus to forbear the respondents their men, agents and subordinates from any manner interfering with the petitioner's peaceful possession and enjoyment of all that piece and parcel of land together with the other appurtenances thereto situated in R.S.No.253/2 part, T.S.No.44/3 and 44/4 in Ward I Block No.21, Door No.19, Ponniamman Koil Street, Padi Anna Nagar West Extension, Kalaivanar Nagar, Padi, Chennai - 50, admeasuring 3290 S.ft. in compliance to judgment and decree dated 19/8/14 in O.S.No.257/11 on the file of District Munsif Ambattur.

Page numbers

For Petitioner : Mr.N.A.Nissar Ahmed

For Respondents : Mr.R.Bharathkumar
Standing Counsel for Housing Board
for R1 and R2

Mr.R.Govindasamy,
Special Government Pleader for R3

O R D E R

This matter is taken up for hearing through Video-Conferencing mode.

2. This Writ Petition is filed seeking for a Mandamus to forbear the respondents from any manner interfering with the petitioner's peaceful possession and enjoyment of all that piece and parcel of land together with the other appurtenances thereto situated in R.S.No.253/2 part, T.S.No.44/3 and 44/4 in Ward I Block No.21, Door No.19, Ponnamman Koil Street, Padi Anna Nagar West Extension, Kalaivanar Nagar, Padi, Chennai - 50, admeasuring 3290 S.ft. in compliance to judgment and decree dated 19/8/14 in O.S.No.257/11 on the file of District Munsif Ambattur.

3. Heard the learned counsel for the petitioner, the learned standing counsel for the respondents 1 & 2 and the learned Special Government Pleader for the third respondent.

4. It seems that the petitioner's father filed a suit in O.S.No.257/2011 on the file of the District Munsif Court, Ambattur, and obtained a decree of injunction against the Housing Board. Based on such decree, the petitioner seeks for a Mandamus to forbear the respondents from interfering with the petitioner's peaceful possession and enjoyment of the subject matter property.

5. I do not think that this is a proper course of action for the petitioner to work out her remedy in respect of the decree passed by the Civil Court, as it is always open to the decree holder to put the decree for execution, in case if it is violated. Without doing so, approaching this Court and filing a Writ Petition, in my considered view, is not maintainable. Accordingly, this Writ Petition is dismissed as not

Page numbers

maintainable. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

mk/vsi

To

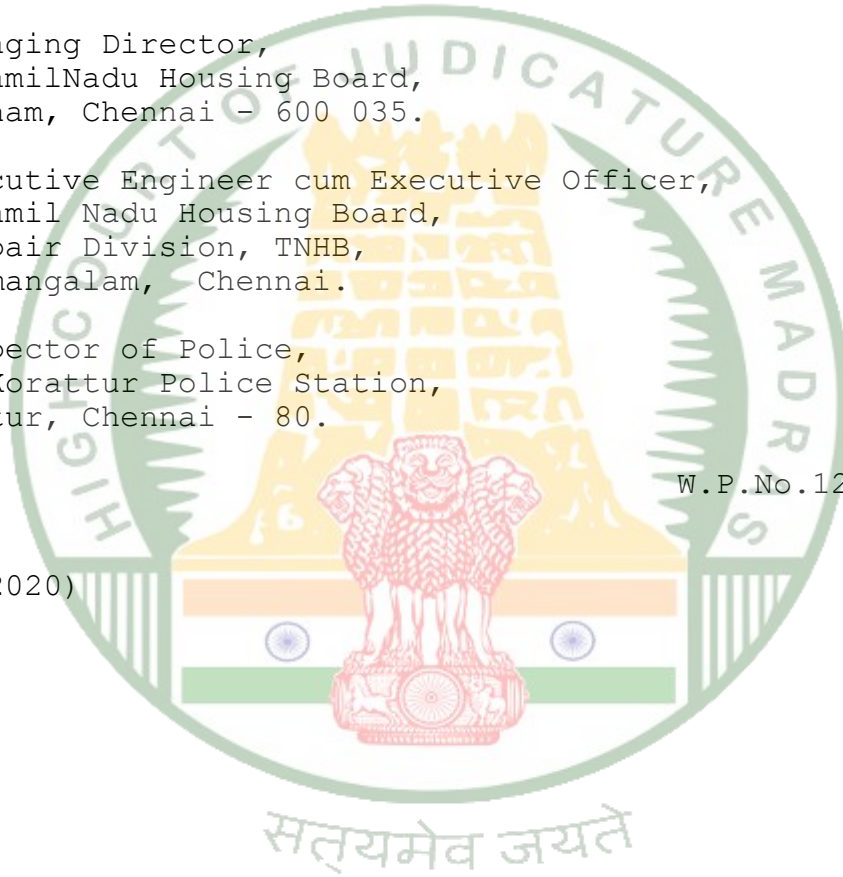
1.The Managing Director,
The TamilNadu Housing Board,
Nandanam, Chennai - 600 035.

2.The Executive Engineer cum Executive Officer,
The Tamil Nadu Housing Board,
Mogappair Division, TNHB,
Thirumangalam, Chennai.

3.The Inspector of Police,
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Page numbers