

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :03.12.2020

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.16827 of 2020
and
W.M.P.No.20875 of 2020

1.V.Radha, (F 71 years)
W/o.Late Veerappa Gounder,
No.26, Pillayar Koil Street,
Chettipet, Mannadipet Commune,
Pondicherry.

2.V.Chandrasekaran (M 50 years)
S/o.Late Veerappa Gounder,
No.26, Pillayar Koil Street,
Chettipet, Mannadipet Commune,
Pondicherry.

... Petitioner

Vs.

1.Union of India,
Rep. by Chief Secretary,
Govt. of Union Territory of Pondicherry,
Pondicherry.

2.The Deputy Collector (Revenue)
Villianur Revenue Office,
Villianur, Pondicherry 605 110.

3.Vasan, S/o.Late Govindasamy,
Koonichempet Road,
Chettipet Village,
Mannadipet Commune,
Pondicherry.

4.Varadhan,
S/o.Kamalam,
Koonichempet Road,
Chettipet Village, Mannadipet Commune,
Pondicherry.

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the 2nd respondent to forthwith finalize and decide and to pass orders thereon on merits in the pending PCTPA No.55/1977, PCTPA No.1/2002 & PCTPA No.2/2015 dated 17.12.2019 on its file and to consequently direct handing over of vacant possession of the demised premises by the 4th respondent.

For Respondent : Mr.Nambiselvan (for R1 & R2)
Additional Government Pleader (P)

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus directing the 2nd respondent to forthwith finalize and decide the pending PCTPA No.55/1977, PCTPA No.1/2002 & PCTPA No.2/2015 dated 17.12.2019 and consequently to direct the 4th respondent to vacate and hand over possession of the demised property.

2.Heard Mr.L.Chandrakumar, learned counsel appearing for the petitioner and Mr.Nambiselvan, learned Additional Government Pleader (P) appearing for the respondents 1 & 2.

3.It is seen from the records that the two applications that has been referred to in the Writ Petition has been disposed of through orders dated 17.12.2019. The petitioners are seeking for the eviction of the 4th respondent from the subject property on the ground that they are auction purchasers of the property and one claim after another is being filed in order to defeat the rights of the petitioners and thereby, the petitioners inspite of being the owners of the property are not able to take possession of the property.

4.The order passed by the 2nd respondent on 17.12.2019, specifically states that now since the old landlord who was the original petitioner in the case has decided to withdraw the case subsequent to the settlement arrived with the tenant, the auction purchasers can make their claim to the property by filing fresh petition. In view of this leave granted to the petitioners, the petitioners will have to individually work out their remedy and they cannot seek for the relief in a petition which has already been disposed of as withdrawn.

5.In view of the above, this Court is not in a position to grant the relief sought for in this Writ Petition. Liberty is granted to the petitioners to move an independent Petition before the 2nd respondent and the 2nd respondent, on receipt of the petition from the petitioners shall conduct an enquiry by giving opportunity to all the parties concerned and pass final orders strictly in accordance with law. It is made clear that the 2nd respondent shall pass final orders within a period of three months from the date of receipt of the application filed by the petitioners.

6.This Writ Petition is disposed of accordingly. Consequently, connected Miscellaneous Petition is also closed. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

To

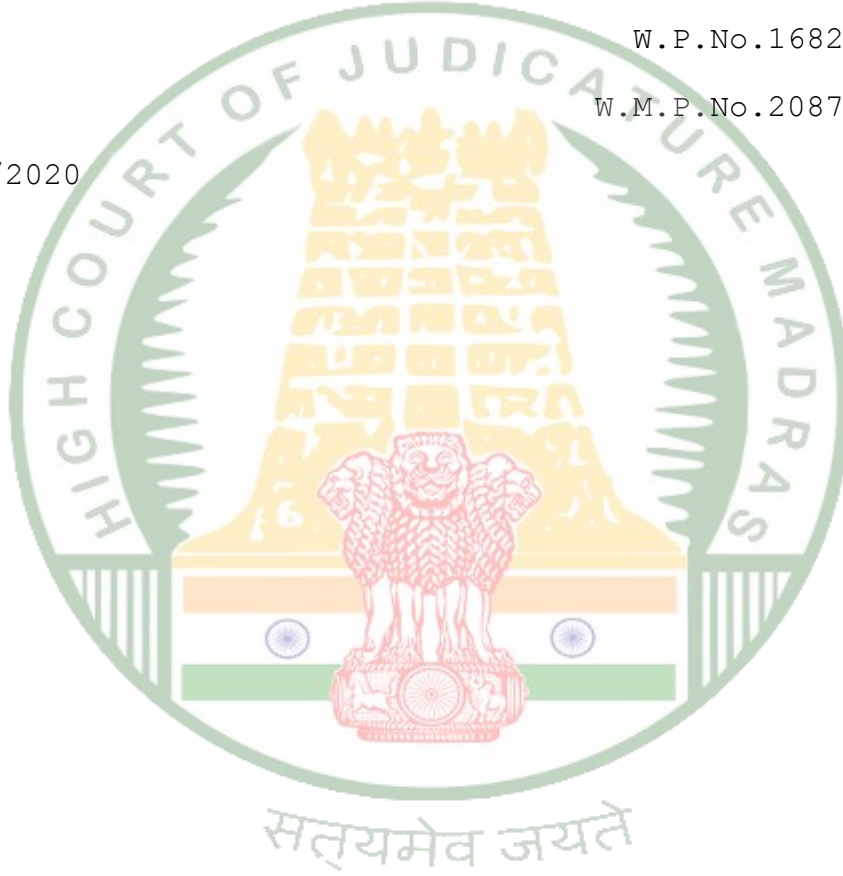
1.The Chief Secretary,
Union of India,
Govt. of Union Territory of Pondicherry,
Pondicherry.

2.The Deputy Collector (Revenue)
Villianur Revenue Office,
Villianur, Pondicherry 605 110.

+1cc to Mr.L.Cahndrakumar Advocate SR.NO.38920

W.P.No.16827 of 2020
and
W.M.P.No.20875 of 2020

CA CO
SDR 19/12/2020



WEB COPY