

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2020

CORAM :
THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

W.P.No.34844 of 2019
and
W.M.P. Nos. 35604 and 35605 of 2019

A.Shanthi

... Petitioner

Vs.

1.Greater Chennai Corporation,
Rep. by its Commissioner,
Rippon Building,
Park Town,
Chennai - 600 003.

2.Revenue Divisional Officer,
Ambattur Division,
Tiruvallur District,
Anna Nagar West Extension,
Chennai - 600 040.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing the respondents from interfering with the peaceful possession and enjoyment of the petition property in Door No.1A, Kamaraj Street, Shenoy Nagar, Chennai - 600 030, comprised in T.S. No.13, Block No. 17, Peria Koodal Village, formerly in Block No.23, T.S. No.2, Amainthakarai Village, pursuant to Na.Ka.No.3650/2019/A5, dated 25.10.2019, issued by second respondent.

For Petitioner : Mr.M.Balasubramanian

For Respondent - 1 : Mrs.Karthika Ashok
Standing Counsel

For Respondent - 2 : Mr.E.Balamurugan
Special Government Pleader

O R D E R

This Writ Petition has been filed for the issuance of a Writ of Mandamus, forbearing the respondent from interfering with the possession and enjoyment of the petitioner in the property.

2. The case of the petitioner is that the property was originally owned by her father and thereafter, he executed a registered settlement deed on 24.09.2008 in favour of the petitioner. According to the petitioner, she is paying the property tax, electricity charges and water tax and she is in possession and enjoyment of the property. The further case of the petitioner is that a portion of the property is let out to a driving agent. The grievance of the petitioner is that the respondent corporation is attempting to evict the petitioner without following due process of law. Aggrieved by the same, the present Writ Petition has been filed before this Court.

3. The first respondent filed counter affidavit in this case. The first respondent has placed reliance upon the revenue records to establish that it is the first respondent who is the owner of the property and that the petitioner does not have any right over the same. Learned counsel appearing on behalf of the respondent corporation further submitted that there are overwhelming materials to show that the corporation is the owner of the property. Learned counsel further submitted that the petitioner will be evicted from the property only after following due process of law.

4. It is brought to the notice of this Court that the petitioner has also filed a suit on the original side of this Court for declaration of title and for other reliefs and the same is pending. This Court, in exercise of jurisdiction under Article 226 of the Constitution of India, cannot decide the ownership between the parties. In view of the specific stand taken by the respondent that the petitioner will be evicted only after following due process of law, the same is recorded and this Writ Petition is disposed of with a direction to the respondent to follow due process of law before taking any action against the petitioner. This order will not stand in the way of the petitioner to independently agitate her right and title in the pending suit.

5. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-III-MDU)

//True Copy//

Sub Assistant Registrar

bkn

To

1.The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Park Town,
Chennai - 600 003.

2.The Revenue Divisional Officer,
Ambattur Division,
Tiruvallur District,
Anna Nagar West Extension,
Chennai - 600 040.

+1cc to Mr.M.Balasubramaniam, Advocate, Sr.No.21566.

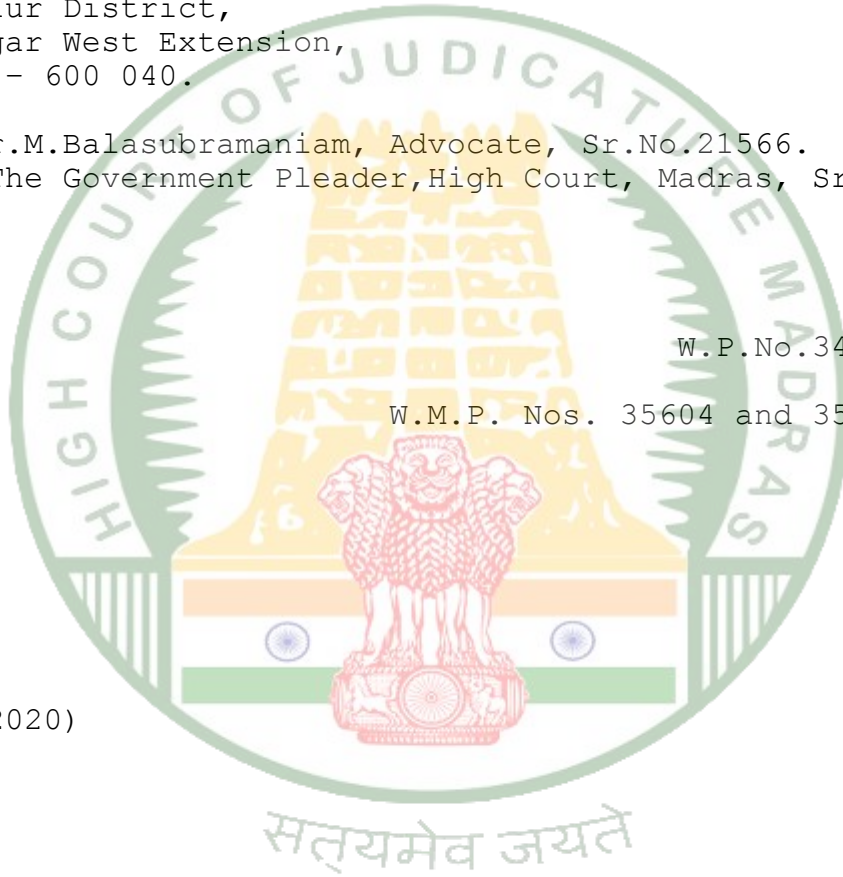
+2ccs to The Government Pleader, High Court, Madras, Sr.No.22149
& 22164.

W.P.No.34844 of 2019
and

W.M.P. Nos. 35604 and 35605 of 2019

(CO)

CB(20/03/2020)



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