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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. NO. 15344 OF 2015

AND

M.P. NO. 1 OF 2015

Suguna Jayasheeli

.. Petitioner

Versus

The Commissioner
Ootacamund Municipality
Ootacamund

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus forbearing the respondent from interfering with the peaceful possession and enjoyment of the petitioner's premises bearing Door No.47/69, L.I.G. Colony, Pinker Post, Ootacamund without due process of law

For Petitioner : Mr.J.Franklin

For Respondents : Mr.G.Krishnaraja
Government Counsel

O R D E R

The present writ petition has been filed by the petitioner seeking to issue a Writ of Mandamus forbearing the respondent from interfering with her peaceful possession and enjoyment of the premises bearing Door No.47/69, L.I.G. Colony, Pinker Post, Ootacamund without due process of law.

2. According to the petitioner, the respondent had leased out the premises in question to her father long back and he was paying the statutory dues to the respondent without any default from the date of inception of the tenancy. After his demise, the petitioner and her family are the in occupation of the property in question and paying the rent to the respondent for about 16 years. While so, on 05.02.2015, the respondent along with his officials came to the premises and disconnected water service connection. Again on 08.05.2015, the officials of the respondent came to the premises in question and threatened



to vacate the petitioner. When it was refused, the officials of the respondent gave an ultimatum that the petitioner should vacate and hand over the vacant possession of the premises before 31.05.2015. Aggrieved by the action of the respondent in forcibly attempting to evict the petitioner without following the due process of law, this writ petition is filed.

3. Heard the learned counsel for both sides. The learned counsel for the petitioner submits that on 27.05.2015, this Court directed the parties to maintain status-quo and the order of status-quo is in force till date. The petitioner is residing in the premises in question as on date by virtue of the order of status-quo granted by this Court without any interference by the respondent or his officials. The learned counsel for the petitioner submits that the possession of the petitioner is lawful and it has to be protected. Therefore, he prayed this Court to issue appropriate direction to the respondent not to dispossess the petitioner without following due process of law.

4. On the above contention of the counsel for the petitioner, this Court heard the learned counsel for the respondent and perused the materials placed.

5. It is seen from the records that when this writ petition was taken up for hearing on 27.05.2015, this Court, taking note of the submissions of the counsel for the petitioner that the petitioner is attempted to be evicted by the respondent from the premises in question, forcibly, had directed the parties to maintain status-quo. Pursuant to the order of status-quo granted on 27.05.2015, it is stated that the petitioner, along with her family members, are in possession of the premises in question without any interference by the officials of the respondent. Taking note of the above facts and circumstances of the case, this Court is of the view that the respondent shall proceed further against the petitioner only by following the due procedures contemplated under law.

6. With the above observation, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar

dhk/rsh



To

The Commissioner
Ootacamund Municipality
Ootacamund

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+1cc to the Government Pleader, S.R.No.47221

WP No. 15344 of 2015

RSV(CO)
RLP(26/10/2021)