

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2021

CORAM:

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.13069 of 2019
and
W.M.P.No.13196 of 2019

J.Jothi @ Jothiammal ... Petitioner

Vs.

- 1.The District Collector,
Thiruvallur District,
Thiruvallur 602 001.
- 2.The Revenue Divisional Officer,
Revenue Division Ponneri,
Thiruvallur - 601 204.
- 3.The Tahsildar,
Ponneri Taluk,
Thiruvallur District 601 201.
- 4.The Revenue Inspector of Ponneri Village,
Ponneri Taluk,
Thiruvallur District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a writ of mandamus directing respondents to consider the representation of the petitioner dated 02.10.2018 and to conduct a fair enquiry by duly verifying the revenue records, handover the residential house of the petitioner and permit the petitioner to enter into the house to possess and enjoy the same in the Survey No.541/2 situated at Edapalayam Village, Sompattu Panchayat, Ponneri Firka and Taluk, Thiruvallur District without anybodies interruption and forbear the official respondents or anybody on their behalf from initiating any coercive action of demolition, without due process of law.

For Petitioner : Ms.S.Hemalatha

For Respondents : Mr.V.Shanmuga Sundar,
Special Government Pleader

O R D E R

This Writ Petition has been filed for a mandamus seeking for a direction to the respondents to consider the representation dated 02.10.2018 requesting them to conduct a fair enquiry with regard to her dispossession from her property comprised in Survey No.541/2 situated at Edapalayam Village, Sompattu Panchayat, Ponneri Firka and Taluk, Thiruvallur District, within a time frame to be fixed by this Court.

2. It is the case of the petitioner that she has been in possession of the aforementioned property for more than 30 years. However, according to her, under the influence of one E.Palani, an Ex-Panchayat President, she has been dispossessed from the property illegally on 20.09.2016. It is also the case of the petitioner that she had already obtained an order of injunction in her favour in O.S.No.117 of 2017 on the file of the District Munsif Court, Ponneri. She has also lodged a criminal complaint in respect of the illegal dispossession. She has given a representation on 02.10.2018 to the respondents requesting them to restore possession to her. According to her, despite the same, the said representation has not been considered till date. In such circumstances, this Writ Petition has been filed.

3. Heard Ms.S.Hemalatha, learned counsel for the petitioner and Mr.V.Shanmugasundar, learned Special Government Pleader appearing for the respondents.

4. The relief sought for in this writ petition is an innocuous one. It is the claim of the petitioner that she has been illegally dispossessed from her property in Survey No.541/2 situated at Edapalayam Village, Sompattu Panchayat, Ponneri Firka and Taluk, Thiruvallur District by the respondents. According to the petitioner, there are more than 16 persons residing in the said locality and excepting the petitioner, all the remaining houses have not been interfered with and she is the only person discriminated by dispossessing her from her property. It is also stated in the affidavit filed in support of the petition that the petitioner is already having the benefit of injunction granted in her favour in O.S.No.117 of 2017. It is also the case that she has given a complaint against the respondents for the illegal dis-possession. She has given a representation on 02.10.2018 to the respondents to conduct a fair enquiry by duly verifying the Revenue Records and restore possession to her of the property, which according to her, was illegally taken possession of by the respondents.

5. Admittedly, the said representation has not been considered till date by the respondents. No prejudice would be caused to the respondents, if the representation of the petitioner dated 02.10.2018 is considered by them on merits

and in accordance with law, after verifying all the records in support of her ownership.

6. For the foregoing reasons, this Court directs the third respondent to consider the petitioner's representation dated 02.10.2018 requesting to conduct a fair enquiry by duly verifying the Revenue Records and consequently handing over the possession of the residential house comprised in Survey No.541/2, situated at Edapalayam Village, Sompattu Panchayat, Ponneri Firka and Taluk, Thiruvallur District to the petitioner and pass final orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order, after affording sufficient opportunity to the petitioner to put forward all her contentions.

7. With the aforesaid directions, the writ petition stands disposed of. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

srn

To

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Thiruvallur District,
Thiruvallur 602 001.
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Thiruvallur District.

VD(CO)
SM(18/01/2021)

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