



W.P.No. 25082 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 12.07.2022

CORAM:

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.No.25082 of 2011

and

M.P. No.1 of 2011

G. Magendran

... Petitioner

VS

1. The Tahsildar,
Ponneri Taluk, Ponneri 601 204
Tiruvallur District.

2. Sri. Susai Arokiyam,
President,
Taluk Office Assistants & Basic Servants
Association,
Taluk Office Road, Ponneri 601 204

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ in the nature of Writ of Certiorarimandamus or any other appropriate writ, direction or order calling for the records of the 1st respondent in his impugned proceeding, Na.Ka.17206/2011/A1, dated 20.10.2011 issued against the petitioner pertaining to the shop, situated No.14, Taluk Office Road, Ponneri 601 204 (opp. to the Taluk Office), comprised in Survey No.508/8 (part) of Ponneri Village & Taluk, Tiruvallur District and quash the same as arbitrary, unjustifiable and illegal and



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consequently direct the 1st respondent pending decision in the civil dispute between the petitioner and respondents in O.S. No.239 of 2011 before the District Munsif Court, Ponneri.

For Petitioner : Mr. R. Munuswamy

For R1 : Mr. S. Arumugam, Government Advocate.

ORDER

This Writ Petition has been filed challenging the impugned notice dated 20.10.2011 issued to the petitioner, directing the petitioner to vacate and hand over the shop immediately, failing which further action will be taken.

2. The case of the petitioner is that he is the tenant under the 2nd respondent and he is running a shop by paying the monthly rent to the 2nd respondent. The further case of the petitioner is that the officials belonging to the 1st respondent came to the shop and directed the petitioner to close down the shop. Therefore, the petitioner filed a Original Suit in O.S.No.239 of 2011 before the District Munsilf Court, Ponneri against the respondents seeking for the relief of permanent injunction.



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3. The grievance of the petitioner is that during the pendency of the said suit, the 1st respondent issued the impugned notice dated 20.10.2011 and aggrieved by the same, the present Writ Petition has been filed before this Court.

4. Heard Mr. R. Munuswamy, learned counsel appearing on behalf of the petitioner and Mr. S. Arumugam, learned Government Advocate appearing on behalf of the 1st respondent.

5. The 1st respondent has filed a status report and it is seen that the property in question is registered in the name of Karnation Club in Patta No.640. This property is said to have been encroached and a shop has been put up in the said property. The 1st respondent has taken a specific stand at paragraph Nos. 5 and 6 in the status report and the same is extracted hereunder:

5. It is submitted that consequent on the filing of this Writ Petition and in view of the O.S. No.239 of 2011 pending



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*on the file of the learned District Munsif Court, Ponneri, the
eviction process initiated in the impugned notice is deferred.*

*6. It is submitted that further action will be pursued in
this issue depending upon the judgment to be passed by the
Hon'ble Court and the learned District Munsif, Ponneri.*

6. In view of the above stand taken by the 1st respondent, the same is recorded and this Writ Petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

12.07.2022

Internet : Yes / No

Index: Yes / No

Speaking order / Non speaking order

Bga

To

The Tahsildar,
Ponneri Taluk, Ponneri 601 204
Tiruvallur District.



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N. ANAND VENKATESH, J.

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