



WEB COPY



W.P.No.37985 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.37985 of 2015

And

**W.M.P.Nos.18399 of 2016 and 29564 of 2017
and M.P.No.1 of 2015**

M.Malleeswari

... Petitioner

Vs.

- 1.The Defence Estate Officer,
Defence Estate Office,
Teynampet,
Chennai – 600 018.
- 2.The Commander,
Air Force Station Avadi,
IAF Avadi,
Chennai – 600 055.
- 3.The Station Commander,
Station Head Quarters,
Avadi, IAF PO,
Chennai – 600 055.
- 4.The Chief Engineer,
Chennai Zone,
Island Grounds,
Chennai – 600 009.
- 5.The CWE,
Pallavan Salai,
Chennai – 600 002.



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6.The Garrison Engineer,
Military Engineer Services,
Thangayya Gate,
Avadi, Chennai – 600 054.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents from interfering or disturbing with the peaceful possession and enjoyment of the petitioner's property situated in Survey No.35/3, Survey No.36/2 - 1.49 acres, 37/3 - 0.76 cents, 37/8-1.52 acres, Mukthapudupettai Village, Avadi, Poonamallee Taluk, Thiruvallur District to an extent of 2 acres 33 cents except due process of law.

For Petitioner : Mr.V.Raghavachari
for M/s.B.Sundara Pandiyan

For Respondents : Mr.Venkatasamy Babu for R2
SPC

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus forbearing the respondents from interfering or disturbing with the peaceful possession and enjoyment of the petitioner's property situated in Survey No.35/3, Survey No.36/2 - 1.49 acres, 37/3 - 0.76 cents, 37/8-1.52 acres, Mukthapudupettai



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Village, Avadi, Poonamallee Taluk, Thiruvallur District to an extent of 2 acres 33 cents except due process of law.

2.The learned counsel appearing for the petitioner submitted that the petitioner is the owner of the subject property, however, the respondents are frequently interfering with the petitioner's peaceful possession and enjoyment of the property and further submitted that the dispute inbetween the petitioner and the first respondent/ The Defence Estate Officer, can be decided only before the civil Court. Hence, this Court may grant liberty to the petitioner to approach the competent civil Court for appropriate remedy.

3.Considering the limited request made by the learned counsel appearing for the petitioner, this Court, without expressing any opinion on the merits of the case, grants liberty to the petitioner to approach the competent civil Court for appropriate remedy.

4.The writ petition is accordingly disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Speaking Order/ Non Speaking Order
Index: Yes/ No Internet: Yes/ No

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