



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.10647 of 2019

Mrs.S.Vijaya

...Petitioner

Vs

1.The Commissioner,
Pallavaram Municipality,
3rd Main Road, Pallavaram, New Colony,
Chromepet, Chennai - 600044.

2.The Special Tashildar,
Pallavaram Municipality,
Chromepet, Chennai - 600044.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to hand over the physical possession of the schedule mentioned property hereunder to the petitioner.

For Petitioner : No Appearance

For Respondent-1: Mr.P.Srinivas

For Respondent-2: Mr.D.Ravichander.

Special Government Pleader.

O R D E R

There is no appearance either by the petitioner or the first respondent today, despite names of both learned counsel being printed in the cause list.

2. The petitioner seeks a Mandamus directing R-1 / Commissioner, Pallavaram Municipality to hand over physical possession of the property at Plot No.50, Agananuru Street Hathinapuram Village, Pallavaram Municipality, Chennai-600064 (property in question) to the petitioner.

3.In the counter filed by the 2nd respondent, who is the Special Tashildar, Pallavaram Municipality, he would submit that Mandamus sought for is not liable to be granted, seeing as both the petitioner's claims to title as well as possession in regard



to the property in question are disputed. No counter has been filed by R-1.

4. In any event, a representation has been filed by the petitioner before R-1 on 22.07.2017 wherein the submissions made in this writ petition have been captured and by way of a legal notice seeking the same relief dated 22.07.2017. R-1 has also responded to the same on 21.08.2017, specifically permitting the petitioner to appear and produce all/any documents and evidence available with her to establish title to the property in question.

5. Thereafter it appears that the petitioner has been in communication with R-1, enclosing previous representations made as well as documents such as parent documents of the property, patta copy, death certificate and legal heirship certificate in an attempt to establish her title.

6. As rightly contended by R-2, since the question of title as well as possession would involve a determination of facts, it is appropriate that the matter be left to R-1 to take a decision after hearing the petitioner and consideration of all/any documents that she might produce in person.

7. A restricted Mandamus is issued directing R-1 to hear the petitioner, consider her requests made under legal notice dated 22.07.2017 and letter dated 25.09.2017, consider the documents, if any, submitted by her and pass a speaking order in regard to her claim, within a period of eight (8) weeks from today.

8. The Writ Petition is disposed as above. No costs.

SCHEDULE OF PROPERTY

All the piece and parcel of the land and the building situated in the Plot No.50, Agananuru Street, bounded North by Agananuru Street, South by Plot No.1, Purananuru Street, West by Periyar Road and East by Plot No.49, Agananuru Street Hathinapuram Village, Pallavaram Municipality, Chennai - 600 064.

62 Feet on Periyar Street/36 feeton Agananuru Street = 2232 Sq.ft.

Sd/-
Assistant Registrar(CS-IX)

//True copy//

Sub Assistant Registrar



Jeni/Svn

To

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Pallavaram Municipality,
3rd Main Road, Pallavaram, New Colony,
Chromepet, Chennai - 600044.

2.The Special Tashildar,
Pallavaram Municipality,
Chromepet, Chennai - 600044.

+3ccs to Mr.A.Senthil Mankoar, Advocate SR.No.18938

+1cc to Government Pleader SR.No.18774

W.P.No.10647 of 2019

A(CO)
GMY(29/04/2022)