



Writ Petition No.28432 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 12/12/2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Writ Petition No.28432 of 2022

a n d

W.M.P.No.27744 of 2022

Evarnammal

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Petitioner

Vs

1. The Commissioner
Greater Chennai Corporation
Rippon Buildings
Chennai.
2. The Zonal Officer (JE)
Zone VI, Thiruveekaa Nagar
Chennai Corporation
Chennai.
3. The Junior Engineer
Zone VI, Retteri (Zone VI)
Thiruveekaa Nagar
Chennai Corporation
Chennai.
4. The Assistant Engineer
Zone VI, Thiruveekaa Nagar
Chennai Corporation
Chennai.



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5. The Tahsildar
Ayanavaram Taluk
Chennai.

6. The Tahsildar
Perambur Taluk
Chennai.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus forbearing the respondents 1 to 4 from dispossessing the petitioner by interfering with the possession and occupation of the petitioner premises, land piece having an extent of 2880 sq.ft bearing Plot No.37 A and 60 A, Vetri Nagar, Peravalur comprised in S.No.118/3, 119/2A, Paravalur Village then Perambur Taluk now Ayyanavaram Taluk at present in Chennai District.

For Petitioner ... Mr.P.G.Thiyagu

For respondents ... Mrs.P.T.Ramadevi
for R.R.1 to 4

Mr.S.Rajesh
Government Advocate
for R.R.5 and 6.

Mr.S.Kasi Kumar
Advocate Commissioner

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ORDER

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This writ petition has been filed to direct the respondents 1 to 4 from dispossessing the petitioner by interfering with the possession and occupation of the petitioner premises, land piece having an extent of 2880 sq.ft bearing Plot No.37 A and 60 A, Vetri Nagar, Peravalur comprised in S.No.118/3, 119/2A, Paravalur Village then Perambur Taluk now Ayyanavaram Taluk at present in Chennai District.

2. The case of the petitioner is that the petitioner had purchased a land to an extent of 2,880 sq.ft., in Plot Nos.37 A and 60 A, Vetri Nagar, comprised in S.Nos.118/3 and 119/2A, Paravalur Village, Ayanavaram Taluk, Chennai. Without any authority of law, respondents have occupied the said property. Hence, the petitioner has come forward with the instant writ petition praying for the relief as stated therein.

3. Heard Mr.P.G.Thiyagu, learned counsel appearing for the petitioner, Mrs.P.T.Ramadevi, learned counsel appearing for the respondents 1 to 4, Mr.S.Rajesh, learned Government Advocate for the respondents 5 and 6 and Mr.S.Kasi Kumar, Advocate Commissioner.



4. Vide, order, dated 27/10/2022, this Court had appointed Mr.S.Kasi Kumar, as Advocate Commissioner, to inspect the property.

5. Today, when the matter is taken up for hearing, learned Advocate Commissioner, filed a report, dated 26/11/2022, wherein it is stated as follows:-

“a. The land is situated in between Thiagarajan Street as North and Kanniappan Street as South, Vetri Nagar, Houses are available on the east and west of the said land.

b. The land of an extent of 36 meters length, 7 meters breadth in the North and 7.3 meters breadth in South

c. On the northern side of the said land i.e., in Thiagarajan Street, there is a TANGEDCO Transformer which measures approx 10 feet length.

d. There is a thatched hut available with an electricity connection at the northern side of the



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property with an extent of 5 x 3 meters. I saw some people are residing in the hut.

e. Some vehicles are parked in the site.

Some iron steel bars are also there in the site.

f. In the east and west side, I do not find any door openings in the houses in the east and west side of the plots for the ingress and egress.

g. The Taluk surveyor measured the property in my presence and has given FMB sketch.

h. Photos have taken during the inspection.”

6. Report given by the Tahsildar, dated 21/11/2022, enclosed in the report of the Advocate Commissioner, would indicate that property is shown as Government poramboke land.

7. In such a view of the matter, merely on the basis of the sale had taken place in the year 1972 and without identification of boundaries, this Court is not inclined to grant the relief as sought for by the petitioner.



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8. Accordingly, this writ petition is dismissed. Petitioner is at liberty to approach the Civil Court, to establish his title. No costs. Consequently, the connected Miscellaneous Petition is closed.

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Index : Yes / No

Internet: Yes

Speaking/non speaking order

mvs.



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To

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N. SATHISH KUMAR, J

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