



W.P.No.29422 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.No.29422 of 2022

M.Sathishkumar

...Petitioner

Vs.

- 1.The Commissioner,
Chennai Corporation,
Chennai.
- 2.The Zonal Officer,
Zone VI, Chennai Corporation,
5, Anderson Salai,
Ayanavaram, Chennai – 600 023.
- 3.The Junior Engineer (EE),
Zone VI, Chennai Corporation,
5, Anderson Salai,
Ayanavaram, Chennai – 600 023.
- 4.The Assistant Executive Engineer (AE),
Zone VI, Chennai Corporation,
5, Anderson Salai,
Ayanavaram, Chennai – 600 023.



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5.The Assistant Engineer (AE Dn.74),
Zone VI, Chennai Corporation,
5, Anderson Salai,
Ayanavaram, Chennai – 600 023.

6.S.Seethapathy

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus, directing the respondents 1 to 5 to remove the seal and lock and demolish building in the property bearing Door No.41/86, Samy Pakthan Street, Ramalingapuram, Ayanavaram Village No.70, Chennai 600 012, measuring about an extent of 1843 sq.ft., comprised in S.No.76, Block No.37 and to handover the possession of the said property to the petitioner by considering the representation dated 06.01.2022 made by the petitioner.

For Petitioners : Mr.M.Selvam
for Mr.K.Prabhakaran

For Respondents : Mr.D.B.R.Prabhu,
Standing Counsel for R1 to R5



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ORDER

(Order of the Court was made by **R.SUBRAMANIAN, J.**)

The prayer in the writ petition reads as follows:-

To direct the respondents 1 to 5 to remove the seal and lock and demolish building in the property bearing Door No.41/86, Samy Pakthan Street, Ramalingapuram, Ayanavaram Village No.70, Chennai 600 012, measuring about an extent of 1843 sq.ft., comprised in S.No.76, Block No.37 and to handover the possession of the said property to the petitioner by considering the representation dated 06.01.2022 made by the petitioner.

2. The petitioner claims to be the owner of the property under the Will said to have been executed by his grandfather Raman. It is also stated that one Nagarathinamma and his sons filed a suit against the grandfather of the petitioner and obtained an *exparte* decree for permanent injunction.

3. In the above backdrop, when there is a considerable dispute about the title to the property, we do not think a mandamus could be issued directing the Corporation to handover possession of the property to the



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petitioner. We find that the writ petition is in fact a suit for recovery of possession. A writ petition for recovery of possession against a private person cannot be entertained.

4. Hence, the writ petition fails and it is accordingly **dismissed**.

Liberty is reserved to the petitioner to take appropriate proceedings. No costs.

(R.S.M.,J.) (K.B.,J.)
10.11.2022

dsa
Index :No
Internet :Yes
Speaking order



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and
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