



W.P.No.2153 of 2020

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2023

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU
AND
THE HONOURABLE Mrs.JUSTICE N.MALA

W.P.No.2153 of 2020
and
W.M.P.Nos.2511,2512 & 2514 of 2020

1.Dhanalakshmi,
W/o Mr.Balasubramani

2. Ellappan,
S/o Late Devakutty

.... Petitioners

VS

1. The Commissioner,
Corporation of Greater Chennai,
Rippon Building,
Chennai.

2. The Regional Deputy Commissioner (North),
Zone-IV,
No.62, Basin Bridge Road,
Old Washermenpet,
Chennai - 600 021.

3. The Assistant Commissioner,
Zone IV,
No.62, Basin Bridge Road,
Old Washermenpet,
Chennai - 600 021.



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4. The Executive Engineer,
Zone-1IV,
No.266, Thiruvotriyur High Road,
Korukupet, Old Washermenpet,
Chennai - 600 021.

5. The Sub Registrar,
O/o Sub Registrar Royapuram,
Mayor Basudev Street, Tondiarpet,
Chennai - 600 021.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records of the 2nd respondent relating to the show cause notice dated 03/2018 signed on 20.04.2018 in Z.O.IV.C.No./1859/2018 and quash the same and consequently, direct the 3rd and 4th respondents to remove the lock and seal of the petition schedule property.

For Petitioner : Mr. Mr.K.Seetharam

For Respondents : Mr.E.C.Ramesh,
Standing Counsel
for R1 to R4
Mr.Abishekmoorthy,
Government Advocate for R5

ORDER

(Order of the Court was made by J.NISHA BANU, J.,)

This writ petition has been filed challenging the show cause notice dated Nil.03.2018 and consequently, direct the 3rd and 4th respondents to



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remove the lock and seal of the petition schedule property.

2. The case of the petitioners is that the petition property is owned by Mr.Ramaswamy Mudaliar and after his demise the petitioners' mother Mrs.Prema @ Hemavathi being his only daughter, inherited the said property and continued to be in possession of the same. The petitioners' mother executed the Settlement Deed executed in favour of the petitioners and later, the petitioners came to know that the survey number was wrongly mentioned. Hence, rectification deed was executed by correcting the survey numbers. But without any reason, the aforesaid impugned show cause notice was issued by the 2nd respondent stating that the petitioners had encroached upon the Corporation Road. On 17.08.2019, the 2nd respondent had locked and sealed the premises without issuing any order or prior notice or enquiry. Hence, the present writ petition.

3. The 4th respondent has filed a counter, in which, it is stated that one Elumalai (third party) had filed a writ petition in W.P.No.19224 of 2018, in which, one Hemavathy, predecessor in title, who settled the subject property in favour of the petitioners herein was shown as the fourteenth respondent and the said writ petition was disposed of on 01.04.2019 as follows:

"4. It is stated that further action against the fourteenth



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respondent will be taken after receipt of reply from the Sub-Registrar, Royapuram.

5. Thus, it is seen that the authorities are taking action in relation to the structure put up by the fourteenth respondent.

6. In view of the above, no further orders are necessary at this stage. The writ petition is disposed of accordingly. No costs. Consequently, W.M.P.No.22621 of 2018 is closed."

5. It is further stated in the counter that subsequently, the Sub-Registrar, Royapuram, has given a reply vide Letter No.96/2019 dated 16.05.2019 stating that the documents in Doc.No.785/2011 and 421/2013 was registered as per Section 55 of Registration Act and also stated that since the land belongs to Chennai Corporation, the Chennai Corporation may take further action as per the orders of this Court.

6. Further, it has been specifically stated in the counter that the Greater Chennai Corporation has already taken possession of the land on 17.08.2019 at Block No.34, Survey No.1909/part and has also locked the building at No.42/02, Muniappa Mudali Street Corner (Junction), Dharmaraja Koil Street, Chennai - 600 021, in order to avoid further encroachment.

7. In view of the above statement made in the counter affidavit, if the petitioners are aggrieved, they can always establish their right before the Civil



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Forum in the manner known to law. We find no merits in the present writ petition. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(J.N.B., J.) (N.M., J.)
16.11.2023

vsi

Index : Yes / No

Internet : Yes / No

To

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