



WA No.1150 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA , CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

Writ Appeal No.1150 of 2023

Evarnammal

... Petitioner

Vs

- 1.The Commissioner,
Greater Chennai Corporation
Rippon Buildings, Chennai.
- 2.The Zonal Officer (JE)
Zone VI, Thiru Vi Ka Nagar
Chennai.
- 3.The Junior Engineer
Zone VI, Retteri (Zone VI),
Chennai Corporation,
Thiru Vi Ka Nagar, Chennai
- 4.The Assistant Engineer
Zone VI, Chennai Corporation,
Thiru Vi Ka Nagar, Chennai
- 5.The Tahsildar
Ayyanavaram Taluk
Chennai



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6.The Tahsildar
Perambur Taluk, Chennai.

... Respondents

Prayer: Writ appeal filed under Clause 15 of the Letters Patent to set aside the order in WP No.28432 of 2022 dated 12.12.2022.

For the Appellant :: Mr.P.G.Thiyagu

For the Respondents :: Ms.P.T.Ramadevi,
for respondents 1 to 4

Mrs.R.Anitha,
Special Government Pleader,
for respondents 5 and 6

JUDGMENT

(Made by the Hon'ble Chief Justice)

The present appellant had filed a Writ Petition bearing No.28432 of 2022, seeking a writ of mandamus forbearing respondents 1 to 4 from dispossessing the appellant from the writ land bearing Plot Nos.37A and 60A, Vetri Nagar, Ayanavaram Taluk, Chennai, to an extent of 2880 sq.ft.

2. Learned counsel for the appellant submits that the appellant is the owner of the writ property under the registered instrument of sale.



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The respondents had, unilaterally, in the year 2016, changed the revenue records. On the basis of the changed revenue records, the appellant is being threatened of dispossession. According to learned counsel, only because the revenue record is changed recently, that would not give any right, title or interest in favour of the respondents nor a right to evict the appellant. Learned counsel submits that even if the respondents want to contend that the appellant is an encroacher, still the procedure laid down by law has to be followed.

3. Learned Single Judge while disposing of the writ petition has not dilated on the merits of the matter. He has only considered the reports of the Tahsildar and Advocate Commissioner and disposed of the Writ Petition, giving liberty to the appellant to approach the civil court.

4. If the title is under cloud or some dispute exists with regard to the title and or possession, it is the civil court which is competent to decide the same. The parties may be required to adduce evidence.



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5. In light of that, learned Single Judge has not committed any error while disposing of the Writ Petition with liberty to the appellant to avail the remedy before the civil court to establish the title. In the civil suit, the appellant can seek all the reliefs available to her.

6. In light of that, we are not inclined to entertain the writ appeal. The writ appeal is disposed of. Naturally, all contentions of the appellant on merit are kept open. There will be no order as to costs. Consequently, CMP Nos.11611 and 11615 of 2023 are closed.

(S.V.G., CJ.)

(P.D.A., J.)

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Index : Yes/No
Neutral Citation : Yes/No
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To

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