



W.P.No.5581 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.5581 of 2023

Rahmath Beevi

.. Petitioner

VS

1. The Special Deputy Collector
Revenue Court
Thiruvavur District.

2. Thaiyalai

3. Govindammal

4. Anjammal

5. Jayarani

6. Kunjupillai

.. Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent to implement the eviction order passed against the respondents 2 to 6 in E.P.No.122/2000 dated 30.12.2016 as per the petitioner's representation dated 26.08.2022.

For Petitioner : Mr.M.Thamizhavel

For Respondents : Mrs.N.Senthil Selvi
Government Advocate
for respondent 1

Notice dispensed with
for respondents 2 & 6

ORDER

The prayer sought for herein is for a Writ of Mandamus, directing the first respondent to implement the eviction order passed against respondents 2 to 6 in



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E.P.No.122 of 2000 dated 30.12.2016 as per the petitioner's representation dated

26.08.2022.

2. The petitioner and other legal heirs of the original owners of the property, which had been given for lease to the private respondents, had approached the Revenue Court for recovery of possession from the private respondents, which was ordered and subsequently, they filed an execution petition in E.P.No.122 of 2000. That was also ordered by the first respondent by an order dated 30.12.2016, whereby, thirty days' time was given to the private respondents to pay the lease amount, otherwise, they would be forcibly evicted from the land in question.

3. Despite the said order having been passed by order dated 30.12.2016, so far, according to the petitioner, the private respondents have not paid the arrears of lease amount and they have also not been evicted. Therefore, in order to evict them, the petitioner has given a representation on 26.08.2022 to the first respondent and in order to consider the same, the petitioner has moved the present writ petition.



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4. Heard Mr.M.Thamizhavel, learned counsel appearing for the petitioner and Mrs.N.Senthil Selvi, learned Government Advocate appearing for the first respondent. In view of the order going to be passed in this writ petition, notice to the private respondents, i.e, respondents 2 to 6, is hereby dispensed with.

5. Since the execution petition has been ordered on 30.12.2016 by the first respondent, where, only thirty days' time was given for paying the lease arrears to the petitioner and the same has not been paid so far, therefore, whether the private respondents are liable to be evicted immediately or not can be decided by the first respondent and in this regard the representation submitted by the petitioner dated 26.08.2022 shall be taken up and considered by the first respondent by giving notice to the petitioner as well as the private respondents and thereafter, a decision shall be taken on the plea of the petitioner within a period of eight weeks from the date of receipt of a copy of this order.

6. With these directions, the writ petition is disposed of. There will be no order as to costs.

Index: Yes/No

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Neutral Citation :Yes/No
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To

1. The Special Deputy Collector
Revenue Court
Thiruvavarur District.



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R. SURESH KUMAR, J.

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