



W.P.Nos.7206 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.Nos.7206 of 2023

and

W.M.P.No. 7261 of 2023

Nithya Ravikumar

... Petitioner

Vs

1. The Chairman,
State Industries Promotion Corporation of Tamil Nadu Ltd (SIPCOT)
No.19-A, Rukmani Lakshmipathy Road,
Egmore, Chennai – 600 008.
2. The Estate Officer,
Sipcot Project office,
SIPCOT IT Park,
Siruseri, Chennai – 603 103.
3. The Project Officer,
Siruseri Sipcot IT Park,
Siruseri, Old Mahabalipuram Road,
Chennai – 603 103.
4. The Assistant Executive Officer,
SITP, Siruseri,
Chennai – 603 103.
5. The Tahsildar,
Thiruporur,



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- Kancheepuram District.
6. The Revenue Inspector,
Kelambakkam, Thiruporur Taluk,
Kancheepuram District.
7. The Village Administrative Officer,
Egattur Village,
Thiruporur Taluk,
Kancheepuram District.

8. Mr.Shafeeq Ahamed

... Respondents

Prayer:- Writ Petition is filed, under the Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the notice issued by the 3rd respondent vide Lr.No.PO/SITP/SIRU/Court case/2023 dated 03.03.2023 and quash the same and consequentially directing the respondents to not to evict the petitioner from the property situated at Ekattur Village, Chengalpet Taluk, Kancheepuram District comprised in Old Survey No.92/1A2, New Survey No.149/8.

For Petitioner	: Mr.A.Raja Mohamed
For R1 to R4	: Mr.Sudharshana Sundar
For R5 to R7	: Mr.R.Kumaravel,
	Additional Government Pleader

ORDER

Heard Mr.Sudharshana Sundar, learned counsel appearing for the respondents 1 to 4 and Mr.R.Kumaravel, learned Additional Government



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Pleader appearing for R5 to R7.

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2. The learned Additional Government Pleader appearing for the Government submitted that in similar circumstances, this Court in W.P.No.6903 of 2023 dated 06.03.2023 has dismissed the Writ Petitions filed by the owner of the building claiming ownership of the property therein in the said writ petition and it has been observed hereunder:-

"The petitioner claims title to the property by virtue of sale deed dated 16.11.2011 and after the sale, Old Survey No.92/1A2 and New Survey No.149/8 measuring 777 Sq.ft. After the purchase by the petitioner, he was given Patta No.95. Patta No.95 was issued in respect of Survey No.149/8 measuring Hect.00117.

2. By the impugned proceedings, the respondent SIPCOT issued a demolition notice dated 16.02.2023. It is with regard to S.F.No.92/1B2 and hence, I find that the demolition notice is in respect of Survey No.92/1B2 to an extent of 674 Sq.ft. The land is different from the land owned by the petitioner and hence for clarification the matter was passed over and again taken in the afternoon.

3. Learned counsel for the petitioner drew my attention to the headline mentioned in the impugned notice that the unauthorized occupation by petitioner



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is adjacent to his patta land. The petitioner's patta land is 149/8 whereas the proceedings initiated is in respect of Survey No.92/1B2 and hence, I find the petitioner has no locus standi to challenge, since, he is not the owner of the property."

3. The Writ Petition filed by the landlord has been dismissed with a finding that he is not the owner of the property, since the Survey Number mentioned in the patta produced by the owner does not tally with the survey number given by the respondent/SIPCOT and revenue authorities.

4. In this case, the petitioner is a tenant of the subsequent property. The petitioner had entered into the lease agreement and had also established the livelihood made in the establishment, I am inclined to grant the eviction. After expressing the opinion of this Court, the petitioner today has filed an affidavit signed by one Nithya Ravikumar, in the above case that she undertake to vacate and hand over possession on or before 18.05.2023. The said affidavit of undertaking is hereby recorded.

5. Recording the above, this Writ Petition is disposed of.



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No costs. Consequently, connected W.M.P is closed.

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6. The undertaking given by the petitioner is hereby recorded for the effective implementation. It is also made clear that the respondent shall not indulge in taking any coercive steps in the meanwhile.

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Index:Yes/No

Neutral Citation : Yes/No

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RMT.TEEKAA RAMAN,J.,

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