



WEB COPY

WP No.34134 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18-07-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.34134 of 2015

And

MP Nos.1 and 2 of 2015

And

WMP Nos.31653 and 38220 of 2016 and 1657 of 2017

M.Chezhieyan

... Petitioner

VS.

- 1.The District Collector,
Chennai.
- 2.The Revenue Divisional Officer,
Koyambedu,
Chennai.
- 3.The Tahsildar,
Arumbakkam,
Chennai.
- 4.The Commissioner of Police,
Egmore,
Chennai.



5.The Deputy Commissioner of Police,
Anna Nagar,
Chennai-40.

6.The Inspector of Police,
K4 Anna Nagar Police Station,
Chennai-40.

7.Arachelvan

8.Mohideen

9.Jakir Hussain (Deceased)

10.J.Muthaaher Fathima

11.J.Mohammed Iyas Hussain

12.J.Mohammed Idris Hussain
[R-10 to R-12 substituted as LR's of the
deceased R-9 vide order of Court dated
21.11.2016 made in WMP No.33021 of
2016 in WP 34134 of 2015]

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing respondents 1 to 7 or their men or servants or agents from interfering with the peaceful possession and enjoyment of petitioner's property situated at A 114/82, 3rd Avenue, Anna Nagar, Chennai-600 102 admeasuring of 2 grounds and 913 square feet with building thereupon.

For Petitioner

: Mr.R.Rajarajan



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For Respondents-1 to 6 : Mr.D.Ravichander,
Special Government Pleader.

For Respondents-7, 8,
and 10 to 12 : No Appearance

For Respondent-9 : Deceased

ORDER

The relief sought for in the present writ petition is to forbear respondents 1 to 7 or their men or servants or agents from interfering with the peaceful possession and enjoyment of petitioner's property situated at A 114/82, 3rd Avenue, Anna Nagar, Chennai-600 102 admeasuring of 2 grounds and 913 square feet with building thereupon.

2. The petitioner states that he is the sole and absolute owner of the property situated at A 114/82, 3rd Avenue, Anna Nagar, Chennai-600 102 admeasuring of 2 grounds and 913 square feet with building thereupon.

3. The property was a Housing Board property and was allotted



to the mother of the writ petitioner. There was a family arrangement made on 07.07.1988 and a registered Will was executed on 03.03.1994 in favour of the petitioner and it was probated in OP No.68 of 2001 after the demise of the mother of the writ petitioner.

4. The present writ petition has been filed based on the allegation that the official respondents are interfering with the peaceful possession and enjoyment of the property of the writ petitioner. The relief as such sought for in the present writ petition has lost its relevance on account of efflux of time. Since two years have elapsed, the nature of the relief as such sought for in the present writ petition cannot be granted. If at all any dispute exists between the parties, the remedy is to approach the Civil Court of Law.

5. The learned Special Government Pleader, appearing on behalf of the respondents 1 to 6, brought to the notice of this Court that there is no specific allegation against any of the Government Authorities except certain bald allegations, which all are not substantiated. Therefore, the present writ petition is liable to be rejected.¹



6. In view of the fact that some dispute exists between the private parties, it is for the writ petitioner to resolve the same in the manner known to law.

7. With the above observations, the present writ petition stands closed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are also closed.

18-07-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn

To

1.The District Collector,
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2.The Revenue Divisional Officer,
Koyambedu,
Chennai.

3.The Tahsildar,
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S.M.SUBRAMANIAM, J.

Svn

4.The Commissioner of Police,
Egmore,
Chennai.

5.The Deputy Commissioner of Police,
Anna Nagar,
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6.The Inspector of Police,
K4 Anna Nagar Police Station,
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