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W.P.No.21615 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.09.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.21615 of 2023
and
W.MP. No.20987 of 2023

HTL Limited,
Represented by its Authorized Signatory,
Having its registered office at:
No.57, GST Road, Guindy,
Chennai – 600 032.

...Petitioner

Vs.

1.Tamil Nadu Small Industries Development Corporation Ltd.,
Represented by its Managing Director,
Thiru-vi-ka Industrial Estate,
Guindy, Chennai- 600 032.

2.Readymade Garments Complex Owners Association,
Readymade Garments Complex,
18/23, Guindy Industrial Estate,
SIDCO Industrial Estate,
Guindy, Chennai- 600 032.

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India
for issuance of a Writ of Mandamus, directing the 1st respondent to consider



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the representation dated 23.03.2023 submitted by the petitioner in ref. HTL/Land/2022-23/07 and consequently restrain the 2nd respondent from interfering with the petitioners ownership and enjoyment of the property measuring 0.72 acres comprised in R.S.No.5/32 and 6/32 (part), Alandur Village.

For Petitioner	: Mr. N.L.Rajah, Senior Advocate for Mr.Abishek Jenasenan
For Respondent 1	: Mr.K.Madhu, Standing Counsel (SIDCO)
For Respondent 2	: Mr.G.Rajagopalan, Senior Advocate for Mr.T. Sai Krishnan

ORDER

The petitioner herein seeks issuance of a writ of mandamus directing the 1st respondent to consider his representation dated 23.03.2023 and consequently restrain the 2nd respondent from interfering with the petitioner's ownership and enjoyment of the property measuring an extent of 0.72 acres comprised in R.S.No.5/32 and 6/32 (part), Alandur Village.



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2. It is the case of the petitioner that 0.72 acres comprised in R.S.No.5/32 and 6/32 (part), Alandur Village was originally assigned in favour of the petitioner on 22.06.1965 under G.O.Ms.No.3135 issued by Department of Industries, Government of Tamil Nadu. Thereafter, a deed of Indenture was executed by Government in favour of petitioner on 13.09.1970 registered as Document No.22/1972 on the file of Sub-Registrar, Alandur. It is the case of the petitioner that during Covid-19 lockdown period, the petitioner was constrained to close all the gates except the Northern gate. Suddenly, the petitioner noticed some unknown persons dumped debris in the above mentioned land and they had also fenced the area. The Greater Chennai Corporation officials issued a notice to the petitioner to clear the garbage dumped by the unauthorized persons. In response to the notice, the garbage was removed by the petitioners. When the petitioner attempted to remove the garbage, he was obstructed by the 2nd respondent claiming ownership over the above said land. Therefore, the petitioner submitted a representation dated 23.03.2023 to the 1st respondent seeking his intervention.



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3. The contesting 2nd respondent filed a counter claiming ownership over the above said 0.72 acres of land. It is the specific case of the 2nd respondent that the above said land was conveyed to members of the 2nd respondent association by the 1st respondent under various sale deeds executed from 1998 to 2009. Since the 2nd respondent disputes the title and right of the petitioner over the above said lands, this Court while exercising jurisdiction under Article 226 of Constitution of India is not inclined to adjudicate that issue. However, the 2nd respondent in his counter had taken a stand that it never prevented the petitioner from having access to his property through the above said 0.72 acres of land.

4. At the time of argument also, learned Senior Counsel for the 2nd respondent on instructions from the counsel on record submitted that the land in 0.72 acres will be maintained as a road and the petitioner can have access to his property through the said land. The said statement is recorded. In view of the specific stand taken by the 2nd respondent that it will not prevent the



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petitioner from using the land under dispute for having access to his property, the writ petition is disposed of by directing the 2nd respondent to maintain the land in question as a road and also not to prevent access of petitioner to his property through the above said land till the dispute between the parties is resolved.

5. Both the parties are at liberty to approach the competent Civil Court for redressal of the grievances and adjudication of their right over the property. With these observation, the writ petition stands disposed of. Consequently, connected miscellaneous petition is closed. No costs.

11.09.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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To

The Managing Director,
Tamil Nadu Small Industries Development Corporation Ltd.,
Thiru-vi-ka Industrial Estate,

5/7



Guindy, Chennai- 600 032.

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S.SOUNTHAR, J.

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