



Writ Petition No.29289 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.07.2023

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

Writ Petition No.29289 of 2022

M/s.Ram Naick Charitable Trust,
Rep. by its Managing Trustee,
No.853/274, Thiruvottiyur High Road,
Old Washermenpet,
Chennai – 600 021.

...Petitioner

Vs

1.The Commissioner,
Thiruvallur Municipality,
Rajaji Salai,
Thiruvallur – 600 021.

2.The District Collector,
Thiruvallur District,
Thiruvallur Town and Post,
Thiruvallur Taluk,
Thiruvallur District – 600 021.

3.The Commissioner and Secretary,
School Education Department,
Fort St.George, Chennai – 9.

4.The Collector of Elementary Education,
DPI Campus,
Nungambakkam,
Chennai – 600 034.



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5.The District Elementary Education Officer,
Thiruvallur,
Pin – 602 001.

6.The Assistant Elementary Education Officer,
Thiruvallur, Ekadu – 602 021.

7.The Head Master,
Higher Elementary School,
North Raja Street,
Thiruvallur – 602 001.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents herein, particularly the respondents 1 and 2, to take all steps to immediately vacate and surrender vacant possession of the premises bearing Door No.56/1 North Raja Street, Thiruvallur, Thiruvallur Town, Post and Taluk, Thiruvallur District.

For Petitioner : Mr.V.Ajay Khose
For Respondent : Mr.P.Srinivas
Standing counsel for R1
Mr.P.Ananda Kumar for R2 to R7
Government Advocate

ORDER

The writ petitioner herein filed this writ petition seeking a direction to respondents 1 and 2 to vacate and surrender vacant possession



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of the premises bearing Door No.56/1 North Raja Street, Thiruvallur,
Thiruvallur Town, Post and Taluk, Thiruvallur District.

2. According to the petitioner, the petitioner trust is the owner of the building situated in the above mentioned place. The first respondent/Municipality had taken the above said premises on lease for running a Municipal Higher elementary school under lease arrangement. The writ petition was filed by the petitioner on a specific allegation that the building has become dilapidated and hence there is a danger of crumbling down.

3. The first respondent herein filed a counter claiming ownership over the above mentioned building. Pending this writ petition, this Court appointed an expert to ascertain the structural stability of the building. The Professors of Anna University who were appointed by this Court submitted a structural stability report stating that the building is in very bad shape and it is not fit for human occupation and they also recommended for demolition of the building and re-construction. Subsequently, taking into consideration the safety of the students and also



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as per the direction of this Court, the first respondent shifted the school to some other place.

4. The learned counsel for the petitioner submitted that even after shifting of the school, the first respondent has not handed over the vacant possession of the premises to the petitioner who is the owner. The learned counsel further submits that the petitioner trust is the owner of the site as well as the building and the first respondent has no right over the building.

5. In view of the stand taken by the first respondent in it's counter claiming ownership of the building, there is a dispute with regard to the ownership over the above said premises. In these circumstances, this Court sitting in writ jurisdiction cannot go into the ownership of the property. Therefore, the petitioner is granted liberty to work out it's remedy in a separate proceeding before appropriate forum.



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6. Accordingly, this writ petition is disposed of. No costs.

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Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
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To

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S.SOUNTHAR, J.

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