



W.P.No.34040 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.34040 of 2023

Dr.P.Wilson

.. Petitioner

Vs.

1. The Secretary to the Government
Department of Revenue
Government of Tamil Nadu
Fort St. George, Chennai – 600 009.

2. The District Collector
Chengelpet District Collectorate
Chengelpet, Tamil Nadu.

3. The Tahsildar, Tambaram Taluk
Tambaram West, Chennai – 600 045.

4. The Indian Red Cross Society
Rep. by its President
"Red Cross Buildings", No.50/32 (New)
Montieth Road, Egmore
Chennai – 600 008.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari, calling for the records in the impugned order bearing proceedings Na.Ka.No.6667/2021/Aa5 dated 26.10.2023 passed by the second respondent herein and quash it.

For the Petitioner : Mr.ARL.Sundaresan
Senior Counsel
for Mr.T.Madhusudana Reddy
For the Respondents : Mr.K.M.D.Muhilan
Additional Government Pleader
for R1 to R3

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.ARL.Sundaresan, learned Senior Counsel for Mr.T.Madhusudana Reddy, learned counsel for the petitioner and Mr.K.M.D.Muhilan, learned Additional Government Pleader for respondents 1 to 3.

2. The petitioner is challenging the notice dated 26.10.2023, seeking eviction of the petitioner.

3. The civil suit bearing O.S.No.41 of 2014 is filed by the petitioner seeking declaration that the petitioner is entitled to delete



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the condition, subject to which the assignment was made, namely, "The land shall be used as the site of a building for the maternity and child welfare centre" and substitute it with the following, namely, "that the land shall be used as a site of the building for the MCC Community College". It is submitted that the eviction notice is issued on the ground that there is a change of user. The petitioner could have sought the relief in the pending suit.

4. Learned Senior Counsel further submits that the petitioner would file an application in the pending suit and seeks leave to withdraw the present petition. Learned Senior Counsel seeks protection in the interregnum.

5. Learned Additional Government Pleader opposed the said request made by the learned Senior Counsel.

6. Considering the request made, we dispose of the present writ petition as withdrawn with liberty to the petitioner to file such application, as may be permissible under law, in the pending civil suit.



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7. For a period of fifteen days from today, the respondents shall not act upon the impugned notice, so as to enable the petitioner to file necessary application in the pending suit, as may be permissible under law. It is needless to state that on lapse of the said fifteen days, the present protection shall come to an end.

8. In the light of that, the writ petition stands disposed of as withdrawn. There will be no order as to costs. Consequently, W.M.P.No.33914 of 2023 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No
Neutral Citation : Yes/No

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THE HON'BLE CHIEF JUSTICE
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D.BHARATHA CHAKRAVARTHY, J.

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