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W.P.No.2246 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.2246 of 2021 and
WMP.No.2550 of 2021

Chevalier T.Thomas Educational Trust
Rep. By its Managing Trustee,
L.Palamalai, I.A.S.,(Retd),
No.16, St.Mary's Road,
Sembiam, Chennai 600 011

...Petitioner

Vs.

- 1.The Custodian of Enemy Property of India,
Kaiser-1, Hind Building,
Curimbhoy Road, Ballard Estate,
Post Box No.689, Mumbai 400 038
- 2.The District Collector of Chennai,
Collectorate, Chennai-1
- 3.The District Revenue Officer,
Collectorate, Chennai-1

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India
praying to issue a Writ of Mandamus directing the first respondent to
remove the lock and seal made by them on 08.01.2021 in respect of the
petitioner's leased property comprised in TS.No.51, Block No.10,



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TS.No.30, and 32, Block No.11, Sembium, Perambur, Chennai 600 011.

For Petitioner : Mr.S.Vennimalai

For Respondents

For R1 : Mr.V.Chandrasekaran,
Senior Panel Counsel

For R2 & 3 : Mr.S.J.Mohammed Sathik,
Government Advocate

ORDER

This writ petition has been filed for direction to the first respondent to remove the lock and seal made on 08.01.2021 in respect of the property comprised in T.S.No.51, Block No.10, T.S.No.30 and 32, Block No.11, Sembium, Perambur, Chennai.

2. The property comprised in T.S.No.51, Block No.10, T.S.No.30 and 32, Block No.11, Sembium, Perambur, Chennai admeasuring 110 grounds belonged to the first respondent. The said property was leased out to the petitioner-Trust in the year 1987 on payment of yearly rent and it has been periodically renewed and the lease is still subsisting and is in force. Even from the date of the lease, the first respondent was informed by the petitioner about the encroachment of



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some extent of the said property and requested to remove the same. In this regard, the petitioner also lodged police complaint, but no action has been taken to remove the encroachment. The petitioner repeatedly requested the first respondent to remove the encroachment. While being so, the first respondent with the aid of the second and third respondents inspected the premises and found that there are encroachers. On the allegation that the petitioner allowed the encroachers to encroach some extent of the property, the first respondent with the aid of revenue officials locked and sealed the gate of the said premises on 08.01.2021. The petitioner is using the land as play ground for the petitioner's school. Therefore, the petitioner made request to remove the lock and seal so that the petitioner's students can use the subject property as play ground.

3. The first respondent filed counter and the submissions of the learned Senior Panel Counsel appearing for the first respondent, revealed that the petitioner is in arrear of huge amount of rent. Therefore, the petitioner was issued notice by the first respondent on 20.02.2020. The total extent of the property is admeasuring 110 grounds, out of which 65



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grounds have been allowed to be encroached by the petitioner in the name of Dr.Ambedkar Nagar Residence/ hutmen dwellers. However, the petitioner did not take any action to remove the encroachers.

4. On perusal of the records, revealed that except for the years 2024-2025, upto the year 2023, the petitioner had sent rent and the same was also duly received by the first respondent. Perusal of the records further revealed that the petitioner repeatedly requested the respondents to remove the encroachments in the subject property. While being so, the first respondent, all of sudden, locked and sealed the premises thereby the petitioner could not able to use the subject property as its play ground. Therefore, the petitioner submitted representation.

5. In view of the above, the first respondent is directed to remove the lock and seal and hand over the possession of the subject property in favour of the petitioner as per the lease agreement. It is open to the first respondent to issue fresh notice, if any arrear of rent to be paid by the petitioner, in accordance with law. Further, the second and third



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respondents are directed to take immediate steps to remove the encroachments in respect of the property comprised in T.S.No.51, Block No.10, T.S.No.30 and 32, Block No.11, Sembium, Perambur, Chennai within a period of twelve weeks from the date of receipt of copy of this order. The petitioner is directed to cooperate with the second and third respondents while initiating steps to remove encroachments.

6. With the above directions, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

10.06.2024

Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

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