



WEB COPY



W.P. No. 4682 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2024

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 4682 of 2024

and

W.M.P. Nos. 5125 and 5129 of 2024

M. Padmavathi

... Petitioner

-VS-

1. The Commissioner of Land Administration
Rep. by its Commissioner,
Ezhilagam, Chepak, Chennai 600 002.
2. The Estate Officer,
SIPCOT Information Technology Park,
Siruseri, Chennai 603 103.
3. District Revenue Officer,
Tambaram,
Chengalpet District,
Chennai 600 045.
4. The Tahsildar,
Thiruporur Taluk,
Chengalpet District,
Pin – 603 110.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the Second Respondent herein with respect to the other



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No.PO/STTP/Siruseri/M.Padmavathy (FB Cakes)/2024 dated 08.02.2024 and quash the same as illegal and forbearing the Respondents, their men, officers, subordinates or agents from in any manner proceeding to evict the Petitioner in respect of their property comprised in S.No.93/1A2 – 0.04 Cents of land with 1100 sqft, RCC Roof building bearing Door no.1, Egattur Village, Thiruporur Taluk, Chengalpattu District and direct the respondents to conduct a proper survey to identify by the correct survey number and area of S.No.92/1B2.

For Petitioner : Mr. U.M.Shankaar

For Respondents : Mr. V.Ravi, (for R1)
Special Government Pleader

Mr. M.P.Rajavelayutham, (for R2)

Mr. S.J.Mohamed Sathik (for R3 and R4)
Government Advocate

ORDER

Heard Mr. U.M.Shankaar, Learned Counsel for the Petitioner, Mr. V.Ravi, Learned Special Government Pleader for the First Respondent, Mr. M.P.Rajavelayutham, Learned Counsel for the Second Respondent and Mr. S.J.Mohamed Sathik, Learned Government Advocate for the Third and Fourth Respondents, and perused the materials placed on record, apart from the pleadings of the parties.



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2. The Writ Petition has been filed challenging Order No. PO/STTP/Siruseri/M.Padmavathy (FB Cakes)/2024 dated 08.02.2024 passed by the Second Respondent directing to evict the Petitioner from Survey No. 92/1A2 measuring an extent of 1100 sq.ft. bearing Door No.1, Egattur Village, Thiruporur Taluk, Chengalpattu District and to restrain the Respondents, their men, officers, subordinates or agents from in any manner proceeding to evict the Petitioner in respect of that property and to consequently direct the Respondents to conduct a proper survey to identify by the correct survey number.

3. When it was pointed out that the Petitioner has got an effective alternative remedy to challenge the Order No. PO/STTP/Siruseri/M.Padmavathy (FB Cakes)/2024 dated 08.02.2024 passed by the Second Respondent, which is impugned in this Writ Petition, by filing appeal under Section 9 of the Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Act, 1975, before the jurisdictional District Court, Learned Counsel for the Petitioner seeks permission of the Court to withdraw the Writ Petition with liberty to resort to that procedure, and he has made an endorsement to that effect in the court record.



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In view of the same, the Writ Petition is dismissed as withdrawn granting such liberty. It is made clear that for the purpose of reckoning limitation for availing the aforesaid remedy, the period from the date of filing of the Writ Petition, viz., 19.02.2024, till the date on which the certified copy of this order is made ready by the Registry, shall be excluded. Consequently, connected Miscellaneous Petitions are closed. No costs.

01.03.2024

Index: Yes/No

NCC: Yes/No

Note: (i) Issue order copy on 23.04.2024.

(ii) Registry is directed to return the impugned order under written acknowledgment after retaining a copy of the same for record.

gsa

To

1. The Commissioner of Land Administration
Rep. by its Commissioner,
Ezhilagam, Chepak, Chennai 600 002.
2. The Estate Officer,
SIPCOT Information Technology Park,
Siruseri, Chennai 603 103.
3. District Revenue Officer,
Tambaram,
Chengalpet District,



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4. The Tahsildar,
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P.D. AUDIKESAVALU, J.

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