



W.P.No.6813 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.6813 of 2022

and

W.M.P. No. 6882 of 2022

Syed Sirajudeen Ahmed

... Petitioner

Vs

1. The District Collector,
Thiruvallur District.

2. The Tahsildar,
Maduravoyal Taluk,
Chennai.

3. The Assistant Secretary,
Tamil Nadu Slum Clearance Board,
No. 5, Kamarajar Salai,
Chennai – 5.

4. The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai – 600 003.
(R4 *suo motu* impleaded vide order dated 24.03.2022
made in W.P. No. 6813 of 2022)

... Respondents



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Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents, their men, agent, subordinate or any other person claiming through them from in any manner interfering with the Petitioner's peaceful possession and enjoyment the house property bearing Plot No. 145, comprised in R.S. No. 239/2 part, admeasuring to an extent of 89.09 sq.mts (935 sq.feet) together with house buildings, situated at Door No. 3/1, VOC Street, Thirumalai Nagar (Ramapuram) Layout, Ambattur Taluk, now Maduravoyal Taluk, Thiruvallur District, without following due process of law.

For Petitioner : Mr. V.Logeswaren

For Respondents : Mr. S.J.Mohamed Sathik,
Government Advocate (for R1 & R2)

Mr. G.Venkatesan (for R3)

Mr. R.Gopinath (for R4)

ORDER

The Writ Petition has been filed forbearing the respondents from interfering with the petitioner's peaceful possession and enjoyment of the house property bearing Plot No.145, comprised in R.S.No.239/2 part, admeasuring an extent of 89.09 sq.mts (935 sq.feet), together with house buildings, situated at Door No.3/1, VOC Street, Thirumalai Nagar



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(Ramapuram) Layout, Ambattur Taluk, now Maduravoyal Taluk, Thiruvallur District.

2. The petitioner and his wife had jointly purchased the house property bearing Plot No.145, comprised in R.S.No.239/2 part, admeasuring an extent of 89.09 sq.mts (935 sq.feet) together with house building, situated at Door No. 3/1, VOC Street, Thirumalai Nagar (Ramapuram) Layout, Ambattur Taluk, now Maduravoyal Taluk, Thiruvallur District, by the registered sale deed dated 18.05.2006, registered vide document No.971 of 2006 from the Tamil Nadu Slum Clearance Board, viz., the third respondent herein. The petitioner apprehends that after having been executed the sale deed in favour the petitioner and his wife, viz., Gowziya Begum, the first and second respondents had directed the petitioner to vacate the house without following any due process of law.

3. On a perusal of the counter-affidavit filed by the fourth respondent, it reveals that bearing Plot No.145, comprised in R.S.No.239/2 part, admeasuring an extent of 89.09 sq.mts (935 sq.feet) together with



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house building, situated at Door No. 3/1, VOC Street, Thirumalai Nagar (Ramapuram) Layout, Ambattur Taluk, now Maduravoyal Taluk, Thiruvallur District, was allotted in favour of the petitioner's wife and the petitioner. Further, it reveals that on inspection by the officials, it was found that the petitioner and his wife had occupied an extent another 110.11 sq.mts, instead of 89.09 sq.mts., thereby, the petitioner and his wife had encroached Ramapuram lake portion of an extent of 21.02 sq.mts. Therefore, the petitioner was also served with notice in accordance with law, thereby he was directed to submit the documents and records, which ensured the ownership of the property.

4. In view of the above, the first and second respondents are directed to proceed with the removal of encroachment as against the petitioner, which was encroached portion of an extent of 21.02 sq.mts in accordance with law and without disturbing their possession and enjoyment of bearing Plot No.145, comprised in R.S.No.239/2 part, admeasuring an extent of 89.09 sq.mts (935 sq.feet), together with house buildings, situated at Door No.3/1, VOC Street, Thirumalai Nagar (Ramapuram) Layout,



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Ambattur Taluk, now Maduravoyal Taluk, Thiruvallur District.

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5. With the above direction, this Writ Petition is disposed of.

Consequently, the connected Miscellaneous Petition is closed. No costs.

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Index: Yes/No
Neutral Citation/Yes/No
kv

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