



WEB COPY

W.P.No.9291 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2024

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.9291 of 2024
and WMP.No.10314 of 2024

S. Anandan

... Petitioner

-Vs-

1. The Assistant Commissioner,
Tambaram Corporation,
Tambaram 600 045
Chengalpattu District.

2. The Commissioner
Greater Chennai Corporation
Ripon Building
Chennai 600 003.

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent herein to consider the petitioner's representation dated 30.01.2024 and pass orders.

For Petitioner : Mr.S. Sathish Kumar

For Respondent : Mr.P.Srinivasan
Standing Counsel for R1

Mrs.P.T.Ramadevi
Standing Counsel for R2



ORDER

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This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the 1st respondent herein to consider the petitioner's representation dated 30.01.2024 and pass orders.

2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents.

3. It is the case of the petitioner that on 22.04.1973 the Lease Agreement entered into between the Corporation of Chennai and the petitioner's father viz., K.E.Sambandam for early rent of Rs.1,500/- and the lease expires on 02.08.1982 in respect of the land comprised in Re-Survey No.66, Old Survey No.956, Pammal Village of an extent of 6.44 acres. The petitioner's father had constructed a house in the said property and he had obtained electricity service connection and the assessment of property tax in his favour by the Competent Authorities. During the year 1997, the 2nd respondent has disturbed the peaceful possession and hence the petitioner's father has filed a suit in O.S.No.2085 of 1997 before the District Munsif Court, Alandur and got an order of interim injunction. Thereafter, Court notice was sent to the 2nd



respondent and he did not appear and hence the above Suit was decreed in favour of the petitioner's father and granted permanent injunction restraining the 2nd respondent from disturbing his father's peaceful possession and enjoyment in respect of 1 Acre 27 cents out of 6 acres 44 cents, comprised in Re-Survey No.66, Old Survey No.956, Pammal Village by its judgment and decree dated 09.02.2004. On 25.06.2012 the petitioner's father died leaving behind his legal heirs which is evidenced from the legal heirship certificate issued by the Tahsildar, Alandur Taluk. The respondents did not disturb the petitioner's father peaceful possession till 2023. When the petitioner was out of station on 30.01.2024 the 1st respondent has trespassed into the possession and tried to fence in the said property and also they have performed Boomi Poojai to construct some building in the said property though the 1st respondent was not the owner of the said land. Hence immediately, the petitioner made a representation to the 1st respondent to stop the fence work and not to enter into their peaceful possession. So far, the 1st respondent has stopped the fence work and did not disturb their possession thereafter. But the 1st respondent has not passed any orders on his representation. As there was no response for his representation dated 30.01.2024 the 1st respondent is doing the construction work till date. Since the first respondent did not pass any order on the petitioner's representation dated 30.01.2024, the petitioner has approached this



Court.

4. Though very many grounds have been raised in this Writ Petition, learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the respondents to consider the petitioner's representation dated 30.01.2024 and pass appropriate orders on merits, within a particular time frame to be fixed by this Court.

5. The learned Standing Counsel appearing for the 1st respondent submitted that the land belongs to Greater Chennai Corporation as per the Revenue Records and it was only a lease period for 10 years from 1972 to 1982 and the period expired. Now it is unauthorised and there is no such construction as stated by the learned counsel for the petitioner and the said land is vacant land. He further submitted that Tambaram Corporation had decided to construct a Government building for which permission was granted by the first respondent to Chennai Metropolitan Development Authority to construct the building as per the CMDA proposal.

6. This Court without going into the merits of the case, directs the 1st respondent to consider the representation of the petitioner dated 30.01.2024



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and pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

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7. This Writ Petition is disposed of accordingly. No costs. Consequently connected miscellaneous petition is also closed.

04.07.2024

Neutral Citation: Yes/No
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V. BHAVANI SUBBAROYAN, J.

dpq

To

1. The Assistant Commissioner,
Tambaram Corporation,
Tambaram 600 045
Chengalpattu District.
2. The Commissioner
Greater Chennai Corporation
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