



WEB COPY



W.P.No.343 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.10.2024

CORAM :

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.343 of 2021

A.Sasi Gowthami

.. Petitioner

Vs

1. The Commissioner
Corporation of Chennai,
Rippon Building,
Chennai - 3.
2. The Zonal Officer, Zone - IV,
Corporation of Chennai,
Chennai.
3. D'silva Ranjitham
4. Mallika Charles
5. C.Vikki

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing respondents 1 and 2 to take necessary steps for removal of encroachment made by respondents 3 to 5 in No.3, Durai Street, Royapuram, Chennai - 600 013 within a stipulated period.



W.P.No.343 of 2021

WEB COPY

For Petitioner : Ms.A.Malath Devapriyam

For Respondents : Mr.S.Gopinathan
for respondents 1 and 2

ORDER

(Order of the Court was made
by the Hon'ble Chief Justice)

Petitioner is the Headmistress of one Kannappa Nayanar Aided Middle School, which was founded by petitioner's grandfather in the year 1951, in the name of Kannappa Nayanar Kazhagam. After the demise of founder, Shri M.K.Arumugam, the family members have continued running the school. Respondent No.3 was earlier working as a Teacher in the school and has now retired. On compassionate ground, a portion of the school was allowed to be occupied by respondent No.3, admittedly, as a permissive occupant. It is alleged in the petition that respondent No.3, later brought in her daughter-in-law, who is respondent No.4, and the grandson, who is respondent No.5. Notice for eviction has been given to respondent Nos.3, 4 and 5 [hereinafter referred to as “*said respondents*”], as they are illegally occupying the premises.



W.P.No.343 of 2021

2. It is also stated that said respondents have started constructing illegally a pucca two-storied building in the school premises without any permission from the school management or the Corporation. It is petitioner's case that respondent No.1 did not consider the representation made by petitioner to remove the encroachment and, hence, this petition has been filed.

3. Notice has been issued to respondent No.3, who has also entered appearance through advocate. No counter affidavit opposing the petition has been filed. Respondent Nos.4 and 5, we are informed, have refused service. Refusal to accept service is good service. Therefore, we shall proceed to dispose of the matter.

4. Mr.Gopinathan, appearing for respondent Nos.1 and 2, states that stop-work notices and de-occupation notices have been issued way back in 2021 and if the illegally constructed portion is not yet removed, within two weeks the same will be removed. Statement accepted as an undertaking to this court.



W.P.No.343 of 2021

5. In view of the above, nothing will survive in the petition.

Inasmuch as the alleged illegal occupation by said respondents in the school premises will be a private dispute between petitioner and said respondents, it is open to petitioner to take such steps as available in accordance with law to have said respondents evicted from the premises.

Petition is disposed. There shall be no order as to costs.

(K.R.SHRIRAM, C.J.)

(SENTHILKUMAR RAMAMOORTHY,J.)

21.10.2024

Index : Yes/No
NC : Yes/No
sasi

To:

1. The Commissioner
Corporation of Chennai,
Rippon Building,
Chennai - 3.
2. The Zonal Officer, Zone - IV,
Corporation of Chennai,
Chennai.

THE HON'BLE CHIEF JUSTICE
AND
SENTHILKUMAR RAMAMOORTHY,J.



WEB COPY



W.P.No.343 of 2021

(sasi)

W.P.No.343 of 2021

21.10.2024