



W.P.No.23187 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.08.2024

CORAM :

THE HON'BLE MR.D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

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M/s.Eswari Enterprises,
rep. by its Partner K.Madhusudhanan,
Havign Address at
Door No.21, Sannathi Street,
Thirukoilur, Villupuram-57.

.. Petitioner

Vs

- 1.The District Collector,
Chennai-01.
- 2.The Commissioner of Land Administration,
Ezhilagam, Chepauk,
Chennai-600 005.
- 3.The Chief Engineer,
Public Works Department (WRD),
Water Resource Organization,
Chennai.
- 4.The Assistant Engineer,
Public Works Department,
Water Resource Organization,
Adyar Irrigation Division,
St. Thomas Mount, Chennai-15.



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5.The Tahsildar,
Guindy Taluk,
69/40, Anna Salai,
Little Mount, Guindy,
Chennai-600 032.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus forbearing the respondents from taking any action for dispossessing the petitioner from the lands and building in Door No.13, Ground Floor, Ranjith Road, Maruthai Avenue Back Side, Kotturpuram, Chennai-600 085 without following the due process of law.

For the Petitioner : Mr.T.Saikrishnan

For the Respondents : Mr.A.Edwin Prabakar
State Government Pleader

ORDER

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

The petitioner has filed this writ petition to enjoin the respondents from taking any action for dispossessing the petitioner from the land and building in Door No.13, Ground Floor, Ranjith Road, Maruthai Avenue Back Side, Kotturpuram, Chennai-600 085, without following the due process of law.



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2. The petitioner/firm claims to have entered into a rental agreement with one Valarmathi for a period of five years commencing from 1.8.2023 in respect of the writ subject property. The petitioner is operating a godown in the said premises. While so, on 5.8.2024, the fourth respondent visited the premises and directed the petitioner to vacate and demolish the godown premises in compliance of the direction of the National Green Tribunal (SZ), Chennai, in O.A.No.124 of 2023. Hence, the present writ petition for the relief stated supra.

3. According to learned counsel for the petitioner, the petitioner is in lawful occupation and enjoyment of the writ subject property. The said property was originally allotted to one Velayudham by way of assignment patta and the same was subsequently settled in favour of the landlady, Valarmathi. All the revenue taxes have been paid till date. The petitioner is incognizant of the proceedings before the National Green Tribunal. The respondents are attempting to dispossess the petitioner from the



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premises without due notice.

4. Learned State Government Pleader, on instructions, submits that, in compliance of the orders passed by the National Green Tribunal, notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, followed by order under Section 6 of the Act of 1905, were served on the person in occupation of the subject writ property. He further submitted that the matter is scheduled to be taken up by the National Green Tribunal on 16.8.2024 for reporting compliance.

5. Heard learned counsel for the petitioner and learned State Government Pleader appearing on behalf of the respondents.

6. The short question involved in this writ petition is whether the petitioner, who is a tenant, can file the present writ petition without challenging (i) the order of the National Green Tribunal directing eviction and demolition of the subject writ property; and (ii) the consequential proceedings/order passed under the Act of



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7. The petitioner claims to be a tenant under one Valarmathi in respect of the subject writ property. It is the specific case of the respondents that the owner of the premises is a party to the proceedings before the National Green Tribunal. If the owner of the premises is pursuing the said proceedings unbeknownst to the petitioner, it is for the petitioner to seek damages against the owner of the premises, with whom the petitioner has entered into a rental agreement. Without challenging the order passed by the National Green Tribunal and the consequential proceedings/order passed under the Act of 1905, the present writ petition cannot be entertained at the behest of the petitioner, who is admittedly a tenant.

In such view of the matter, we dispose of the writ petition with liberty to the petitioner to approach the National Green Tribunal seeking appropriate relief. We make it clear that the observations made in this order shall not stand in the way of the petitioner to



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seek time for vacating the subject writ premises before the National Green Tribunal, Chennai. There shall be no order as to costs. Consequently, W.M.P.No.25343 of 2024 is closed.

(D.K.K., ACJ.) (P.B.B, J.)
08.08.2024

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NC : No
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(sasi)

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