



WEB COPY



W.P. No. 28510 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2024

CORAM

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

**W.P. No. 28510 of 2023
and
W.M.P. No. 28057 of 2023**

V. Chitra

... Petitioner

-VS-

1. The District Collector,
Collector Office,
Rajaji Salai, Chennai 600 001.
2. The Tahsildar,
Taluk Office, Ambattur,
Chennai 600 058.
3. The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai 600 003.
4. The Zonal Officer,
Zone – 7,
Greater Chennai Corporation,
Thiruvallur High Road,
Ambattur, Chennai 600 053.

... 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 Fourth Respondent in Z.O.7C.No.A8/4932/2023 dated 28.06.2003 and quash the same and consequential relief by way of direction forbearing the Fourth Respondent from putting up further construction on the



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schedule mentioned property situated at Central Chennai Registration, Villivakkam Sub-Registration District, Thiruvallur District, Ambattur Taluk, Ambattur Municipality Limit, Korattur Village, Aghraharam Mettu Street, Grama Natham Survey No.385/1, measuring an extent of 503 Sq.ft.

For Petitioner : Mr. M.Elumalai

For Respondents : Mr. U.Baranidharan, (for R1 and R2)
Additional Government Pleader

Mrs. P.T.Ramadevi, (for R3 and R4)

ORDER

Heard Mr. M.Elumalai, Learned Counsel for the Petitioner, Mr. U.Baranidharan, Learned Additional Government Pleader appearing for the First and Second Respondents and Mrs. P.T.Ramadevi, Learned Counsel for the Third and Fourth Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed challenging the Order in Z.O.7C.No.A8/4932/2023 dated 28.06.2003 passed by the Fourth Respondent and to consequently restrain the Fourth Respondent from putting up further construction in Grama Natham Survey No.385/1 measuring an extent of 503 sq.ft Aghraharam Mettu Street, Korattur Village, Tiruvallur District.



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3. As it has been cautioned by the Hon'ble Supreme Court of India in the decision in *Roshina T. -vs- Abul Azeez K.T.* [(2019) 2 SCC 329], that disputed questions of fact relating to the property rights must not to be determined in proceedings following summary procedure under Article 226 of the Constitution of India and it would have to be answered one way or the other only in a properly framed suit impleading necessary parties before the civil court, Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition reserving the rights of the Petitioner to raise all her contentions in the suit in O.S. S.R. 28 of 2024 filed by her before the District Munsif Court, Ambattur and he has made an endorsement to that effect in the court record. It is needless to add here that the District Munsif Court, Ambattur shall take the said suit on file, if it is in order, and expedite its disposal in accordance with law.

In the result, the Writ Petition is dismissed as withdrawn with the aforesaid clarifications. No costs.

24.01.2024

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 23.04.2024.

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P.D. AUDIKESAVALU, J.

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