



WEB COPY

WP No. 6376 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-02-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 6376 of 2024

K.P.Mohan

..Petitioner(s)

Vs

1. The Secretary
Department Of Housing And Urban
Development, Fort St. George, Chennai 9
2. The Chairman And The Managing Director
Tamil Nadu Urban Habitat Development Board,
Kamarajar Salai Chennai 09
3. Kumar
S/o. Desappan, Kottivakkam Kuppam,
Tiruvanmiyur Chennai -41

..Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the 1st and 2nd respondents to consider the petitioners representation dated 18.10.2023 and pass orders on the same to take appropriate action against the 3rd respondent and restore the possession of petitioners allotted house site in Ku.No 117/10 Nochikuppam Apartments.

For Petitioner(s):

Mr. M.Subash

For Respondent(s):

Mr.V.Jeevagiridhan
Additional Government Pleader – R1 and R2
Mr.K.Ramkumar
for M/s.Ram and Rajan Associates



ORDER

The petitioner has invoked the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India seeking a direction to respondents 1 and 2 to consider the petitioner's representation dated 18.10.2023 and pass orders on the same to take action against the 3rd respondent and restore possession of the house site allotted to the petitioner.

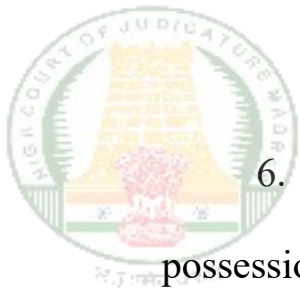
2. It is the case of the petitioner that on 17.09.2014, the house site which is the subject matter of the present writ petition, was allotted by the 2 respondent in favour of his father, Panchanathan vide proceedings in Se.Mu.Ka.No.G6/10438/14. The petitioner's father, Panchanathan was allotted a tenement bearing No.117/10 in Nachikuppam on 17.09.2014. The said Panchanathan passed away on 19.12.2014 leaving behind him surviving the petitioner his son, his brother, Manivannan and two daughters. The petitioner would submit that his brother, Manivannan was residing in the said property along with his wife. Unfortunately, his brother and sister-in-law had died issueless and consequently, the petitioner claims to have inherited the said allotment.



3. While so, on 19.09.2020, the 3rd respondent, who is a distant relative, had forcibly evict the petitioner from the premises stating that he had lent money to Manivannan which had not been repaid. The 3rd respondent is continuing to squat on the property. The petitioner would submit that he had lodged a complaint with the Inspector of Police, Marina Police Station and the same was received and assigned C.S.R.No.199 of 2020. Despite the police complaint, the 3rd respondent continues to be in unlawful possession and enjoyment of the property. Therefore, on 18.10.2023, the petitioner sent a representation to the respondents 1 and 2 to evict the 3rd respondent and to take suitable action against him. Since the said representation has not been considered, the petitioner is before this Court.

4. The respondents have not filed a counter affidavit but however filed documents to substantiate the claim of the 3rd respondent over the property in question.

5. Heard the learned counsel on both sides and perused the materials available on record.



6. The petitioner's contention is that the 3rd respondent is in illegal possession and enjoyment of the property. However, the records produced on the side of the 3rd respondent would indicate that the original allottee Panchanathan had executed a deed in favour of his daughter-in-law Radha, W/o.Manivannan authorizing her to obtain the sale deed from the respondent authorities. Further, her husband Manivannan had entered into an agreement of sale with the 3rd respondent on 13.06.2019 and the 3rd respondent is now occupation of the property. The title to the property is now in dispute. The remedy available to the petitioner is to approach the Civil Court for getting appropriate relief. Therefore, this Court, sitting under Article 226 of the Constitution of India, cannot decide on title and it is for the Civil Court to pass appropriate orders. Accordingly, this writ petition is dismissed. No costs.

10-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

SRN

To

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