

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2017

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.A.No.1485 of 2013

N.Jayapushpammal

...Appellant

Vs

The Assistant Director of Fisheries
Department of Fisheries
Royapuram
Chennai 600 013

...Respondent

Prayer:- Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 14.12.2011 made in W.P.No.35366 of 2006.

Prayer in W.P.No.35366 of 2006:

Writ petition filed under Article 226 of the constitution of India praying for a Writ of Mandamus directing the respondent herein not to interfere with the petitioners property bearing D.No.248 Surya Narayana Chetty Street Royapuram Chennai-13.

For Appellant : Mr.T.Dhanasekaran

For Respondent : Mr.K.Dhananjeyan

Special Government Pleader

JUDGMENT

M. DHANDAPANI, J.

This intra Court appeal has been preferred, calling in question, the legality and validity of the order dated 14.12.2011 passed by a learned Single Judge in W.P. No.35366 of 2006.

2 The appellant filed a writ petition being W.P. No.35366 of 2006 seeking a mandamus forbearing the respondent from interfering with her peaceful possession and enjoyment of the property bearing Door No.248, Surya Narayana Chetty Street, Royapuram, Chennai 600 013.

3 Though the learned Single Judge, found prima facie that the appellant does not have any title over the property and as such, she cannot claim any vested right to continue in possession of the Government land, yet, considering the fact that the petitioner has been in possession of the land for several years, direction was given to the respondent not to evict her without issuing notice and affording an opportunity of personal hearing. The relevant portion of the said order reads thus:

"6. However, taking note of the fact that the petitioner has been in possession of the land for several years, the respondents shall not evict the petitioner without issuing notice to her and affording an opportunity of personal hearing to the petitioner. The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are closed."

4 Thus, inasmuch as the appellant's interest is well protected by the order passed by the learned Single Judge, as per which, the appellant cannot be evicted without issuance of a notice and without granting an opportunity of personal hearing, we are of the considered opinion that the order warrants no interference.

Resultantly, this intra Court appeal fails and is accordingly dismissed. No costs.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

gms

To

The Assistant Director of Fisheries
Department of Fisheries
Royapuram
Chennai 600 013.

+1 CC to Mr.T. Dhanasekaran, Advocate sr 46017.

+1 CC to Govt. Pleader sr 56272.

W.A.No.1485 of 2013

KS (CO)
sp(29/08/2017)