



C.R.P.No.677 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 25.08.2023

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.(PD)No.677 of 2014
and MP.Nos.1 to 9 of 2014

A.Ramatulasi

.. Petitioner

VS

1.The Estate Officer,
Executive Engineer,
Chennai Central Division V,
CPWD, K.K.Nagar, Chennai-600 078.

2.The Superintending Engineer,
Bangalore Central Electrical Division II,
CPWD, Ground Floor, F Wing,
Kendriya Sadan, Koramangala,
Bangalore – 560 034.

3.A.Venkateswara Rao

4.The Superintending Engineer,
CCC-II, CPWD,
Shastri Bhavan, Haddows Road,
Chennai-600 006.

.. Respondents

(R3 and R4 suo motu impleaded vide order
of Court dated 14.07.2014 made in CRP.No.677/2014)

Petition filed under Article 227 of the Constitution of India against the order and decretal order passed in CMP.No.1202 of 2012 in CMA.No83 of 2012 on the file of the Principal Court, City Civil Court at Chennai.



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For Petitioner : Mrs.A.Ramatulasi
(Party-in-Person)

For Respondents :Mr.K.S.Jeyaganeshan (for R1, R2 & R4)
Mr.T.V.Sekar (for R3)

ORDER

This revision arises against an order vacating the stay in CMP.No.1202 of 2012 in CMA.No.83 of 2012.

2.The petitioner is the wife of one A.Venkateswara Rao, who is working with the Income Tax Department. During the course of his employment, he was granted the premises in Block No.26, Quarter No.202, Type II, CPWD Quarters, GPRA, Indira Nagar, Adyar, Chennai-600 020 towards his service entitlement.

3.The party-in-person and Venkateswara Rao fell out which resulted in filing of divorce as well as restitution of conjugal rights proceedings. In the meantime, Venkateswara Rao was transferred from Chennai and posted elsewhere.

4.The petitioner claims that since she was residing with the said Venkateswara Rao in the Government Quarters, it should be treated as a 'matrimonial home' and that she is entitled for protection for the same under the Protection of Women from Domestic Violence Act, 2005.



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Hence, she argues she is not an “unauthorised occupant” as per Central

Act, 1971.

5.The Estate Officer attached to CPWD treated her as an unauthorised person continuing in occupation and initiated proceedings under the provisions of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971. After receipt of her reply, he has ordered eviction. Against which, an appeal has been preferred under Section 9(2) of the Act before the learned Principal Judge, City Civil Court, Chennai.

6.In the appeal filed before the City Civil Court, Chennai in CMA.No.83 of 2012, an interim order was obtained in CMP.No.1202 of 2012. The matter was listed on 11.12.2014. On that day, the party-in-person refused to argue the matter stating that she had lost the confidence in that Court. Therefore, the stay was vacated. Against which, the present civil revision petition has been filed.

7.This civil revision petition was entertained and an interim order was granted by this Court. The matter came up yesterday and the party-in-person wanted to take time. Therefore, I accommodated and posted the matter today. Even today, the party-in-person argued the matter and made all her submission and finally requested for adjournment. I denied the request for adjournment as the matter has already been argued.



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8.I heard Mr.K.S.Jeyaganeshan, learned counsel appearing for the respondents No.1, 2 and 4. Mr.T.V.Sekar, learned counsel appearing for the third respondent husband.

9.The proceedings under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 is an eviction proceedings. In eviction proceedings, if stay is not granted pending the appeal, the purpose of preferring the appeal itself would be rendered otiose. I am not expressing any opinion whether a property allotted to the husband by the Government during the course of his service would be a matrimonial property or not. That is for the appellate Court to decide in CMA.No.83 of 2012.

10.However, taking into consideration that the matter has been pending from 2012 and 11 years have gone by and the petitioner has been continuing in possession of the property by virtue of an interim order granted by this Court on 07.03.2014, I am inclined to pass the following orders:

(i)The impugned order in CMP.No.1202 of 2012 in CMA.No.83 of 2012 dated 11.02.2014 is set aside.

(ii)The stay granted by the learned Principal Judge, City Civil Court, Chennai in CMP.No.1202 of 2012 is made absolute.



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(iii)The learned Principal Judge, City Civil Court, Chennai shall

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take up the appeal in CMA.No.83 of 2012 and dispose of the same within a period of eight (8) weeks from the date of receipt of a copy of this order, in any event on or before 06.11.2023.

11.The learned Principal Judge, City Civil Court, Chennai is requested to submit a report to this Court on completion of CMA.No.83 of 2012.

12.It is made clear that if either the party-in-person or the third respondent indulge in dilatory tactics, it is open to the Court to pass orders on the basis of merits of the case ignoring the obstructions that may be made by any of the private parties to the proceedings.

13.With the above directions, the Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

25.08.2023

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No

vs

Note:Issue order copy on 28.08.2023.

To

The Principal Court,
City Civil Court, Chennai.



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V. LAKSHMINARAYANAN,J.

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