

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.A. No. 753 of 2015
and
M.P.No. 1 of 2015
.....

Prof. D.V.Solomon ... Appellant

vs.

- 1 The Junior Engineer,
Division 122, Corporation of Chennai,
Zone IX, K.B.Dasan Road,
Teynampet Chennai 18
- 2 The Assistant Executive Engineer,
Unit 26 Corporation of Chennai
Zone IX K.B.Dasan Road,
Teynampet, Chennai - 18.
- 3 The Executive Engineer,
Corporation of Chennai,
Zone IX K.B.Dasan Road,
Teynampet Chennai 18.
- 4 The Superintending Engineer,
Corporation of Chennai, Central Region,
2nd East Cross Street, Pulla Avenue,
Shenoy Nagar, Chennai 30
- 5 The Regional Deputy Commissioner,
Corporation of Chennai
Central Region 2nd East Cross Street,
Pulla Avenue, Shenoy Nagar,
Chennai 30.

.. Respondents

Writ Appeal filed under Clause 15 of the Letters Patent against
the order dated 09.04.2015 made in W.P.No. 10089 of 2015.

Writ Petition has been filed under Article 226 of the Constitution of India for issuance of writ of Certiorari calling for the records of the Respondents in Notice No.U-26/C.No.E1/003/2014 dated 7.1.2015 and quash the same.

For appellant : Mr. V. Govardhan
for Mr.K.Mahendran
For respondents : Mrs. Karthikaa Ashok

Mr. K.V. Babu &
Mr. S. Sathyanarayanan
(for intervenors)

JUDGMENT

(Judgment of the Court was delivered by SATISH K. AGNIHOTRI, J.)

The instant intra-Court appeal is directed against the order dated 09.04.2015 passed in W.P. No.10089 of 2015.

2. Assailing the legality and validity of the notice dated 07.01.2015 under Section 258 of the Madras City Municipal Corporation Act (for short "the Act"), the appellant, who is in possession of the premises in question as a tenant, had come up with the writ petition being W.P. No. 10089 of 2015.

3. The learned single Judge, considering the rival submissions advanced by both parties, came to the conclusion that the said notice was rightly issued under Section 258 of the Act and further observed that the Corporation is entitled to take further steps in terms of the above said notice.

4. The appellant has come up with the instant writ appeal on the ground that the building in question is not in dilapidated condition and the said notice has been issued at the instance of the intervenors, who have no locus standi to seek his eviction.

5. We have heard the learned counsel the parties and also perused the documents carefully.

6. The said notice was issued way back on 07.01.2015, calling upon the appellant to fence off, take down, secure or repair such building so as to prevent any danger therefrom. Though there is no provision for placing the case of the occupier before the authority, however, since the notice dated 07.01.2015 could not be given effect to on account of pendency of this matter, we deem it fit and proper to afford an opportunity of hearing to the appellant to put forth his case before the authority concerned, within a period of three days from today, and thereafter, the authority concerned is at liberty to take consequential decision on consideration of the appellant's representation in accordance with law and on its own merits.

7. With the above observation and direction, this writ appeal stands disposed of. Consequently, M.P.No. 1 of 2015 is closed. No costs.

-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

To

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+ 1 cc to Mr.A.Karthick Ashok, Advocate SR 29451

vsn(co)
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