

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21-4-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION Nos.11457 and 11496 to 11500 of 2015
and
M.P.No.1, 1, 1, 1, 1 and 1 of 2015

A.Suresh .. Petitioner in
WP 11457/2015

R.C.Balaji Raja .. Petitioner in
WP 11496/2015

R.Sampath .. Petitioner in
WP 11497/2015

S.Ravikumar .. Petitioner in
WP 11498/2015

B.Venkataraman .. Petitioner in
WP 11499/2015

J.Subathra .. Petitioner in
WP 11500/2015

vs

1.The Commissioner
Corporation of Chennai
Rippon Building
Chennai 600 003

2.The Zonal Officer
Zone-15, Corporation of Chennai
No.120, Rajiv Gandhi Salai
Sholinganallur, Chennai 600 119 .. Respondents in
all writ petitions

Writ petitions filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records relating to the 2nd respondent's proceedings in Ma.A.15.Va.Thu.Na.Ka.No./R1/809/2015 dated 19.3.2015, quashing the same and directing the respondents herein to allow the petitioners to continue to run their respective shops in the current premises.

For Petitioners : Mr.K.Elango

For Respondents : Mr.P.V.Selvakumar

COMMON ORDER

By consent, all the writ petitions are taken up for final disposal.

2.W.P.No.11457/2015:- The petitioner claims that he has taken on lease a shop measuring an extent of 80 square feet in the year 1988 originally from Neelankarai Panchayat, St. Thomas Mount Panchayat Union and he is carrying on the business of hair dressing.

3.W.P.No.11496/2015:- The petitioner claims that he has taken on lease a shop measuring an extent of 80 square feet in the year 1988 originally from Neelankarai Panchayat, St. Thomas Mount Panchayat Union and he is carrying on the business of selling milk.

4.W.P.No.11497/2015:- The petitioner claims that he has taken on lease a shop measuring an extent of 80 square feet in the year 1988 originally from Neelankarai Panchayat, St. Thomas Mount Panchayat Union and he is carrying on the business of selling soft drinks and soda manufacturing.

5.W.P.No.11498/2015:- The petitioner claims that he has taken on lease a shop measuring an extent of 80 square feet in the year 1988 originally from Neelankarai Panchayat, St. Thomas Mount Panchayat Union and he is carrying on the business in footwear under the name and style "Giri Footwear".

6.W.P.No.11499/2015:- The petitioner claims that he has taken on lease a shop measuring an extent of 80 square feet in the year 1988 originally from Neelankarai Panchayat, St. Thomas Mount Panchayat Union and he is carrying on the business of selling vegetables.

7.W.P.No.11500/2015:- The petitioner claims that she has taken on lease a shop measuring an extent of 80 square feet in the year 1988 originally from Neelankarai Panchayat, St. Thomas Mount Panchayat Union and she is carrying on the business of selling sweets and savories.

8. According to the petitioners, after the said Panchayat was brought within the jurisdiction of Corporation of Chennai, it became part of Ward No.192, Zone No.15 of Corporation of Chennai and the petitioners continue to be in possession of the respective premises and all of a sudden and that too, without giving them any opportunity whatsoever, the impugned proceedings came to be passed calling upon them to vacate the premises within one month from the date of receipt of the same, on the ground that the building is in a dilapidated condition and it requires demolition and reconstruction.

9. Mr.K.Elango, learned Counsel appearing for the petitioners, would submit that though the respective petitioners have been called upon to vacate and deliver vacant and peaceful possession of the premises, the fact remains, some of the business establishments of the Government still remain in the very same

premises and the second respondent, taking into consideration the fact that the petitioners are carrying on business, which is their one and only source of livelihood for quite a long time, either should have afforded them, an opportunity to put forth their explanations, or they should have been provided with alternate accommodation before calling upon them to vacate and deliver vacant possession of the same, and hence, prays for interference.

10. Per contra, Mr. P.V. Selvakumar, learned Standing Counsel, who accepts notice on behalf of the respondents, on instructions, would submit that the building is in a very dilapidated condition and taking into consideration the same, a conscious decision has been taken to demolish and put up a new structure for better utilisation and therefore, it cannot be faulted with.

11. This Court has carefully considered the rival submissions and also perused the materials placed before it.

12. Admittedly, the respective writ petitioners were not put on notice before calling upon them to vacate and deliver possession of the premises. According to the petitioners, the building is in a sound and habitable condition. It is also an admitted position that the impugned orders came to be passed without affording any opportunity whatsoever, to the petitioners herein. Hence, on the sole ground, the impugned orders warrant interference; but, at the same time, this Court puts the petitioners on notice that on account of alleged dilapidated condition of the building, if it falls down on its own, the writ petitioners have to take up the responsibility also.

13. In the result, the writ petitions are partly allowed and the impugned orders dated 19.3.2015, passed by the second respondent, are set aside and the matter is once again remanded to the second respondent. The writ petitioners are at liberty to submit their individual representations to the second respondent within a period of two weeks from the date of receipt of a copy of this order and the second respondent, on receipt of the same, is directed to consider and dispose it of in accordance with the Rules and Regulations/Norms, within a period of four weeks thereafter and till such time, status-quo, as exists today, shall be maintained by both the parties. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

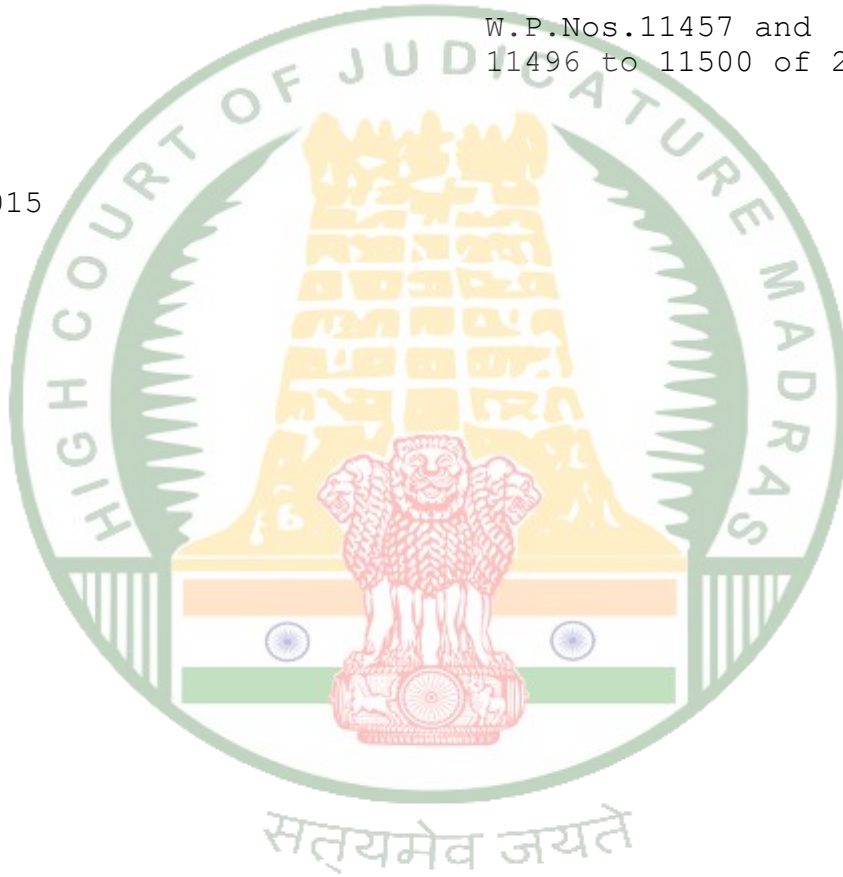
To:

- 1.The Commissioner
Corporation of Chennai
Rippon Building
Chennai 600 003
- 2.The Zonal Officer
Zone-15, Corporation of Chennai
No.120, Rajiv Gandhi Salai
Sholinganallur, Chennai 600 119.

6 cc to M/s.K.Elango ,Advocate, SR.No.21681 to 21686

W.P.Nos.11457 and
11496 to 11500 of 2015

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pmk.8.5.2015



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