

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE K.K. SASIDHARAN

W.P. Nos.27842 and 27843 of 2015
and
M.P. Nos.1 of 2015

Andrew Rajkumar

... Petitioner

Vs.

1. State of Tamil Nadu
represented by its Secretary
Housing and Urban Deveolopment Department
Fort St. George
Chennai 600 009
2. Chennai Metropolitan Development Authority (CMDA)
represented by its Member Secretary
No.1, Gandhi Irwin Road
Egmore
Chennai 600 008
3. Corporation of Chennai
represented by its Executive Engineer
TP Enforcement
Regional Office - Central
II Cross Street - East
Pulla Avenue
Shenoy Nagar, Chennai 600 030

... Respondents

Writ Petitions filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the entire records pertaining to the impugned de-occupation notice nos. RDC(C)/TPENF/009625/2014 and RDC(C)/TPENF/009624/2014 respectively dated 25.09.2014 on the file of the third respondent and consequently, direct the respondents to remove the lock and seal of

the premises at Door No.5, Block No. 335, Galaxy Apartments, II Avenue, Anna Nagar, Chennai 600 040 and Door No.6, Block No. 335, Galaxy Apartments, II Avenue, Anna Nagar, Chennai 600 040 respectively and quash the same.

For petitioner in
both the WPs : Mr. A. Devnarenderan

For R1 : Mr. N. Sakthivel, Govt. Adv.

For R2 : Mr. N. Sampath, Standing Counsel

For R3 : Mr. R. Arunmozhi, Standing Counsel

ORDER

(made by SATISH K. AGNIHOTRI, J.)

With the consent of the learned counsel for the parties, the writ petitions are taken up for final disposal.

2. These writ petitions are filed challenging the de-occupation notices dated 25 November 2014 and further, for a direction to the respondents to remove the lock and seal of the premises at Door No.5, Block No. 335, Galaxy Apartments, II Avenue, Anna Nagar, Chennai 600 040 and Door No.6, Block No. 335, Galaxy Apartments, II Avenue, Anna Nagar, Chennai 600 040 respectively.

3. Today, when the matters are taken up for hearing, the learned counsel for the petitioner submitted that the properties in question have been locked and sealed on account of certain deviations committed by the petitioner. Thus, it would suffice if the petitioner be permitted to make an application to the officer concerned seeking permission to remove chattels lying in the said premises.

4. The learned Standing Counsel for Chennai Corporation submits that if an application of such nature is made by the petitioner, the petitioner shall be permitted to remove his chattels within a period of one week from the date of receipt of such an application and after removal of his chattels, the property shall be locked and sealed again to follow the due process of law.

5. In view of the above submission made by the learned Standing Counsel for Chennai Corporation, it is ordered. The officer

concerned shall be required to prepare an inventory of articles removed from the premises in question.

6. The writ petition stands disposed of accordingly. Costs made easy. Connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

cad

To

1. The Secretary
Housing and Urban Deveolopment Department
Government of Tamil Nadu
Fort St. George
Chennai 600 009
2. The Member Secretary
Chennai Metropolitan Development Authority (CMDA)
No.1, Gandhi Irwin Road
Egmore
Chennai 600 008
3. The Executive Engineer
Corporation of Chennai
TP Enforcement
Regional Office - Central
II Cross Street - East
Pulla Avenue
Shenoy Nagar, Chennai 600 030

+2cc's to Mr.A.Devnarendran, Advocate, S.R.No.48581
+1cc to the Government Pleader, S.R.No.48921

W.P. Nos.27842 and 27843 of 2015

PA(CO)
CA(11/09/2015)

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