

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
and
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Writ Petition No.3393 to 3396 of 2010
and connected MPs.

M.Minnala	...Petitioner in W.P.3393 of 2010
P.Anjali Devi	...Petitioner in W.P.3394 of 2010
M.Yasodha	...Petitioner in W.P.3395 of 2010
V.Muniammal	...Petitioner in W.P.3396 of 2010

Vs.

1. The Commissioner
Corporation of Chennai
Rippon Buildings
Madras-600 003
2. The Assistant Engineer
Division No.49, Memorial Hall Road
Corporation of Chennai
Chennai 600 003
3. The Zonal Officer
Zone No.III, No.71
Dr.Ambedkar College Road
Pulianthope
Chennai-600 012

4. The Inspector of Police
B-2, Esplanade Police Station
Chennai-600 108

... Respondents
in all the above WPs

COMMON PRAYER : Writ Petitions filed praying to issue a Writ of Certiorarified Mandamus calling for the entire records on the file of the 1st, 2nd and 3rd respondents relating to the impugned notice dated 11.02.2010 and quash the same and further direct the respondents to obey the court order dated 07.10.1996 in O.S.No.9692 of 1994 on the file of the XVIII Assistant City Civil Judge, at Madras.

For Petitioners : Mr.M.Vijay Anand

For respondents : Mr.V.C.Selvasekaran for R1 to R3
in all the above cases
Mrs.A.Srijayanthi,
Special Government Pleader for R4.

ORDER

(Order of the court was made by HULUVADI G. RAMESH, J.)

Heard Mr.M.Vijay Anand, learned counsel for the petitioners, Mr.V.C.Selvasekaran, learned counsel for respondents 1 to 3 and Mrs.A.Srijayanthi, learned Special Government Pleader for the 4th respondent.

2. The petitioners claiming to be the owners of the Plot No.9, N.S.C.Bose Road, Chennai-600 108 measuring about 200 sq.ft., is said to be residing therein for several decades and paying necessary charges to the authorities concerned in respect of their occupation.

3. The respondents 1 to 3 issued the impugned Notice dated 11.02.2010 stating that the petitioners are the encroachers of the land mentioned in the notice and the said land is required for constructing Primary Health Centre, and therefore, they should remove the encroachment within 7 days from the date of receipt of the said notice.

4. On a perusal of the typed set of papers filed along with the Writ Petitions, it is seen that earlier in respect of notice under Section 220 of Madras City Municipal Corporation Act IV of 1919, the petitioners filed a suit for permanent injunction in O.S.No.9692 of 1994 before XVIII Assistant City Civil Judge, Chennai, wherein, Ad-Interim Injunction was ordered on 16.12.1994 and decreed the suit on 07.10.1996.

5. Taking into account all the above facts, this court, while entertaining the Writ Petitions, on 18.02.2010, ordered interim stay of operation of the impugned order dated 11.02.2010.

6. Now, it is submitted by the learned counsel for the petitioners that the petitioners are small shop vendors and they also filed reply to the respondent on 15.02.2010. The learned counsel further submits that some vendors are accommodated elsewhere by the respondent and thus, prayed for suitable direction.

7. Considering the above facts, we hereby direct respondents 1 to 3 to consider the reply given by the petitioners dated 15.02.2010 and pass necessary orders in accordance with law. The respondents are also directed to work out alternate accommodation for the petitioners, in case of eviction of the petitioners. Till such decision is taken, status quo as on date shall be maintained.

8. The Writ Petition is disposed of with the above direction. No costs. Consequently, connected MPs are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

nvsri

To

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Madras-600 003
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+5cc's to Mr.M.Vijay Anand, Advocate, S.R.Nos.40972 to 40975

W.P.Nos.3393 to 3396 of 2010

KS(CO)
CA(02/08/2016)