

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2016

CORAM

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

W.P.Nos.32675 to 32680, 32724 to 32729, 32803 and 31436 of 2015
and M.P. Nos.1 to 1 of 2015 (14 WPs.)

S.P.Muthukaruppan	... Petitioner in W.P.No.32675 of 2015
U.Ravikumar	... Petitioner in W.P.No.32675 of 2015
C.Arun	... Petitioner in W.P.No.32675 of 2015
Bangaru Ammal	... Petitioner in W.P.No.32675 of 2015
S.Sasikumar	... Petitioner in W.P.No.32675 of 2015
P.Raja	... Petitioner in W.P.No.32675 of 2015
Kamatchi Chettiyar	... Petitioner in W.P.No.32675 of 2015
Bawgarammal	... Petitioner in W.P.No.32675 of 2015
R.Savithri	... Petitioner in W.P.No.32675 of 2015
U.Ravikumar	... Petitioner in W.P.No.32675 of 2015
T.Murthi	... Petitioner in W.P.No.32675 of 2015
T.Mani	... Petitioner in W.P.No.32675 of 2015
A.Muthumani	... Petitioner in W.P.No.32675 of 2015
D.Murugan	... Petitioner in W.P.No.32675 of 2015

vs.

1. The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Madras - 600 003.

2. The Assistant Commissioner,
Zonal Office -10,
Corporation of Chennai,
No.117, NSK Salai, Kodambakkam
Chennai - 600 024.

...R1 and R2 in WP 32675 to 32680,
32724 to 32729 of 2015, 31803
of 2015, 31436 of 2015.

2. The Assistant Revenue Officer,
Zonal Office -10,
Corporation of Chennai,
No.117, NSK Salai, Kodambakkam
Chennai - 600 024.

...Respondent R3 in WP 37724 of
2015 to 32329 of 2015
Re in WP 32803 of 2015, 31436
of 2015 .

4. Chandran

...R4 in WP 32724 to 32729 of
2015, 31436 of 2015.

WP 32675 to 32680 of 2016: The High Court will be pleased to issue a Writ of Mandamus directing the Respondents herein to strictly comply with the specific observation made by this Hon'ble High Court in the final order in WP 23777 of 2014 dated 08.10.2014 enabling the Writ Petition herein to continue the business in the above suit Petitioner namely Vinayaga Icecream in WP 32675/15, Madurai Meenakshi enterprises in WP 32676/15, Kumbakonam Filter Coffee in WP 32677/15, Pooja Stores in WP 32678 of 2015, Krishna Stores in WP 32679 of 2015, Murugan Enterprises in WP 32680 of 2015 at No.34, Palaniandavan Koil Street, Vadapalani, Chennai 600 026.

WP 32724 to 32729 of 2015, WP 31863, 31436 of 2015:
Writ of Mandamus directing the Respondents 1 to 3 to direct the shop at No.34 Palaniandavan Koil Street, Vadapalani, Chennai 600 026.

For Petitioners
in W.P.Nos.32675 to 32680/16: Mr.G.Thankavel
in W.P.Nos.32724 to 32729/16
and 31436/2016 : Mr.R.Jayaprakash
in W.P.No.32803 : Mr.A.Esakiappan
For Respondents : Mr.P.H.Aravind Pandian
in all W.Ps. Additional Advocate General
Asst. by Mr.P.V.Selvakumar
Standing counsel for
Chennai Corporation.

C O M M O N O R D E R

The petitioners are lessees / licencees in respect of the portion under their occupation of the building, owned by the respondents and they are carrying on different business. Since the respondent decided to demolish the building and intended to put up new construction, the respondents have taken steps to evict the petitioners. Therefore, the petitioners have approached this Court and in a batch of writ petitions viz., W.P.No.23315 of 2014 etc., this Court, by order dated 08.10.2014 directed the petitioners to vacate the premises on or before 30.09.2015 and by that time, the respondents should have taken steps to demolish and reconstruct the property i.e., approval of plan and sanction of funds. Thereafter, after the expiry of time limit given by this Court, by order dated 08.10.2014, when the respondents took steps to evict the petitioners, the petitioners approached this Court by way of these writ

petitions, contending that the orders passed by this Court in W.P.No.23315 of 2014 etc., batch have not been complied with, as the respondents have not obtained the approval for construction. Taking into consideration the running of business by the respective petitioners for a long time, this Court granted interim order.

2. When the matter is taken up for hearing today, the respective learned counsel appearing for the petitioners submitted that they are ready to vacate the premises provided they are granted time upto 31.12.2016. However, Mr.P.H.Aravind Pandian, learned Additional Advocate General, appearing for the respondents submitted that the respondents are inclined to grant only one month time to vacate.

3. The petitioners' case is that without getting any approved plan and sanction of money for putting up construction, the respondents are hurriedly taking possession only to let out the property to some third parties. However, in paragraph No.6 of the counter affidavit, as per the earlier order passed by this Court in W.P.Nos.23315 of 2015, etc batch dated 08.10.2014 approval for the proposal of demolition and reconstruction of the building in dispute has been obtained and money has been sanctioned by the Chennai Corporation for demolition and reconstruction and therefore, all the directions given by this Court on 08.10.2014, have been complied with.

4. Taking into consideration the contention made by the respondents that all the directions issued by this Court on 08.10.2014 in W.P.Nos.23315 of 2015, etc batch, have been complied with, it is appropriate to direct the petitioners to hand over vacant possession of the premises on or before 30.09.2016.

5. The respondents refused to receive the monthly lease / licence amount payable by the petitioners and therefore, they have deposited the said amounts in their respective accounts. Since the petitioners are ready to hand over possession on or before 30.09.2016 and the respondents are also ready to receive the monthly lease cum licence fee, the petitioners are directed to pay the arrears and also the monthly licence amount upto 30.09.2016.

6. The petitioners shall hand over the respective portion under their occupation to the respondents on or before 30.09.2016, failing which, the respondents shall take possession using police force on 01.10.2016.

7. With the above directions, the writ petitions are

disposed of. No Costs. Consequently the connected Miscellaneous Petitions are closed.

8. Registry is directed to call the matter for reporting compliance on 04.10.2016.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Madras - 600 003.

2. The Assistant Commissioner,
Zonal Office -10,
Corporation of Chennai,
No.117, NSK Salai, Kodambakkam
Chennai - 600 024.

3. The Assistant Revenue Officer,
Revenue Department,
Zonal Office -10,
Corporation of Chennai,
No.117, NSK Salai, Kodambakkam
Chennai - 600 024.

4. The Section Officer,
Writ Section, High Court,
Madras.

7 ccs to Mr.R.Jayaprakash, Advocate, sr.38029 to 38034.

3 ccs to Mr.P.V.Selvakumar, Advocate, sr.38114 to 38116

1 cc to Mr.A.Esakkiappan, Advocate, sr.38035 (19.07.2106)

W.P.Nos.32675 to 32680, 32724 to 32729,
31803 and 31436 of 2015
and M.P. Nos.1 to 1 of 2015

kra 18.07.2016