

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
and
THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.31330 of 2016
and

WMP.No.27192 of 2016

S.V.Ruban Inbaraj ...Petitioner

Vs.

The Estate Officer/
The Chief Executive Officer,
C/o.Cantonment Board,
St. Thomas Mount-cum-Pallavaram,
Cantonment,
Chennai - 16. ...Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to furnish the certified copy of the final order passed by him with regard to the petitioner's building situated at 7/455 & 7/456, G.S.T.Main Road, C.Pallavaram, Chennai-43, so as to enable the petitioner to file the statutory appeal before the competent authority within the time fixed by this Court and consequently forbearing the respondent or his subordinates from either removing, sealing, damaging or demolishing any portion of the said building of the petitioner till the appeal time is over after furnishing the certified copy of the above said order to the petitioner.

For Petitioner : Mr.I.C.Vasudevan

For Respondent : Mr.C.Mohan for M/s.King & Partridge

ORDER

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

With the consent of both sides, the writ petition is taken up for final disposal at the admission stage itself.

2. The prayer made in the Writ Petition is to issue a Writ

of Mandamus, directing the respondent to furnish a certified copy of the final order passed by him, with regard to the petitioner's building at Nos.7/455 & 7/456, G.S.T.Main Road, C.Pallavaram, Chennai-43, so as to enable the petitioner to file a statutory appeal before the competent authority within the time fixed by this Court and consequently forbearing the respondent from either removing, sealing, damaging or demolishing any portion of the said building till the appeal time is over, after furnishing a certified copy of the said order to the petitioner.

3. The case of the petitioner is that he is the owner of the building at Nos.7/455 and 7/456, G.S.T.Main Road, C.Pallavaram, Chennai-43 and is paying the property tax to the competent authority regularly. While so, the respondent issued a show cause notice, calling upon the petitioner to appear for enquiry on 21.07.2016. Accordingly, the petitioner appeared before the respondent, but no enquiry was conducted on that date and the same was adjourned. Thereafter, on 31.08.2016, he came to understand that the respondent has already passed an eviction order and they are going to demolish the building in question very soon. However, till date, no order was served on the petitioner. Therefore, the petitioner made a representation dated 31.08.2016 to furnish a certified copy of the order said to have been passed by the respondent. Finding no response, he has come forward with the present writ petition.

4. Learned counsel for the petitioner submits that the petitioner is having the right of statutory appeal against the order passed by the respondent under Section 9 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971. However, without getting the certified copy of the order, he cannot file any appeal before the competent authority, within the limitation period.

5. Heard Mr.C.Mohan, learned counsel, who took notice for the respondent.

6. Considering the facts and circumstances of the case, this Court directs the petitioner to make a fresh representation seeking certified copy of the order, along with a copy of this order to the respondent within a period of two weeks from the date of receipt of a copy of this order. On such representation, the respondent is directed to furnish a certified copy of the order within a period of one week from the date of receipt of such representation. Thereafter, the petitioner is granted ten days time for filing an appeal before the competent authority. Till such time, the respondent is directed to maintain status quo as on date. If no final order has been passed so far in

respect of the petitioner's building in question, the respondent is directed to afford an opportunity of personal hearing to the petitioner and thereafter, pass an order on merits and in accordance with law.

7. Accordingly, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

The Estate Officer/
The Chief Executive Officer,
C/o.Cantonment Board,
St. Thomas Mount-cum-Pallavaram,
Cantonment,
Chennai - 16.

1 cc to M/s.King & Partridge, Advocates, sr.51010

1 cc to Mr.I.C.Vasudevan, Advocate, sr.50977

W.P.No.31330 of 2016

nm co
kra 26.09.2016

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