

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

WRIT PETITION No.43769 of 2016

G.Desingu

... Petitioner

vs.

1. The Estate Officer,  
Additional Divisional Railway Manager II,  
Chennai Division,  
Southern Railways,  
Chennai 600 003.
  2. The Chief Administrative Officer,  
Formerly (The Chief Project Manager)  
Metropolitan Transport Project (Railways),  
E.V.R. High Road, Chennai 600 008.
  3. The Divisional Manager (Railways),  
Chennai Division,  
Southern Railway,  
Chennai 600 003.
- .... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus, to call for the records connected with C.M.A.No.178 of 2010, dated 21.09.2016 on the file of the Principal Judge, City Civil Court and to quash the same and direct the 2nd respondent to regularise the petitioner's tenancy for Room No.7, Mezzanine Floor, Metro Railway Station Complex, MRTS Chintadripet, Chennai 600 002, as per the tender MTP/C/2/94 conditions.

For Petitioner : Mr.Venkatachalapathy,  
Senior Counsel  
for Mr.Ramesh Venkatachalapathy

For Respondents : Mr.Ramkumar

O R D E R

The petitioner has come up with this Writ Petition seeking to quash the order dated 21.09.2016 passed in C.M.A.No.178 of 2010 on the file of the Principal Judge, City Civil Court, ordering eviction of the office premises bearing No.7, First Floor (Mezzanine Floor), MRTS, Chindatripet Railway Station

Complex, Chennai let out during the year 2000 by their registered Contractor, M/s.Hotel Mahasakthi International and for a consequential direction to the 2nd respondent to regularise his tenancy for Room No.7, Mezzanine Floor, Metro Railway Station Complex, MRTS Chintadripet, Chennai 600 002, as per the tender conditions.

2. According to the petitioner, the Chief Administrative Officer of the Metropolitan Transport Project, is the authority who had given space to various Contractors for construction of shops in the ground floor and offices in the first floor of various Metropolitan Railway Project premises and also permitted all such Contractors to rent it to third parties under the terms of the Tender conditions. In 2010, a policy decision was taken by the 2nd respondent Chief Administrative Officer in respect of the project and for ensuring the safety, the Government of Tamil Nadu had even urged to vacate all the shops in occupation around the said complex. However, the 2nd respondent, without conducting any proper hearing, hurriedly passed a stereophonic undated order of eviction, proposing to evict all the shops with the help of huge railway police and in such a situation, C.M.A.No.178 of 2010 was filed before the Appellate Authority.

3. The case of the petitioner is that he is a lawful occupant through M/s.Hotel Mahasakthi International, who had constructed shops and offices at their own cost and had let out the premises to him and others. It is his contention that since the whereabouts of M/s.Hotel Mahasakthi International is not known, the Railways cannot treat him as a trespasser and adopt such device to dispossess him without due process of law. Now, challenging the order of eviction passed in C.M.A.No.178 of 2010, the petitioner is before this Court.

4. After elaborate arguments, learned Senior Counsel appearing for the petitioner fairly submitted that taking into consideration of the fact that the petitioner is in possession of the said premises for the past 16 years, enough time has to be given to him to vacate. He further submitted that the petitioner is also prepared to file an affidavit of undertaking before this Court to the effect that he will vacate and hand over vacant possession of the premises, without any further notice, on or before 20.03.2017.

5. Heard the learned counsel on either side and perused the material documents available on record.

6. In view of the above, recording the submissions made by the learned Senior Counsel appearing for the petitioner, this Court confirms the order of the Court below made in C.M.A.No.178 of 2010 and directs the petitioner to file an affidavit of undertaking to the effect that he will vacate the premises in

question on or before 20.03.2017, before this Court, within a period of one week from today, failing which, the time granted will not inure the benefit of the petitioner.

7. This Writ Petition is disposed of with the above direction. No costs. Consequently, connected W.M.P.No.37584 of 2016 is closed. Registry is directed to list this matter for 'reporting compliance' on 21.03.2017.

Sd/-  
Asst.Registrar (CS III )

/true copy/

Sub Asst. Registrar

To:

1. The Estate Officer,  
Additional Divisional Railway Manager II,  
Chennai Division,  
Southern Railways,  
Chennai 600 003.
2. The Chief Administrative Officer,  
Formerly (The Chief Project Manager)  
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E.V.R. High Road, Chennai 600 008.
3. The Divisional Manager (Railways),  
Chennai Division,  
Southern Railway,  
Chennai 600 003.
4. The Section Officer,  
Writ Section, High court, Madras.

+1 cc to mr.P.T.Ramkumar,advocate,sr.74726

+1 cc to Mr.M.Sriram,advocate,sr.74685.

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