IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.5400 of 2016 and W.M.P. No.4706 & 4707 of 2016

S. Sivaperumal — Petitioner

Vs.

1 State of Tamil Nadu
represented by its Secretary to Government
Housing and Urban Development Department
Secretariat
Fort St. George
Chennai 600 009

2 Chennai Metropolitan Development Authority
represented by its Member Secretary
Thalamuthu Natarajar Maaligai
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008

3 The Commissioner
Corporation of Chennai
Ripon Building
Chennai 600 003 — Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus, calling for the records in orders passed by the first respondent in Letter No.19612/UD-VI(2)/2015-1 dated 22.12.2015 and in the passing of the de-occupation notice in Letter No.EC/EA/N-1/19259/2014 dated 06.01.2016 by the second respondent and ceiling notice affixed over the building on 13.01.2016 by the second respondent and to quash the same and to consequently, direct the respondents to forbear from taking any coercive action of again sealing, locking and demolition of the building bearing New No.123, Old No.63, Coral Merchant Street, George Town, Chennai 600 001, land measuring 2,819 sq. ft. comprised in R.S. No.3229, Block No.29 of V.O.C. Nagar, Village, Purasaiwalkam Taluk, Chennai District, covered within Division 56, Zone 5, of Corporation of Chennai, pending disposal of the appeal dated 13.01.2016 and the interim applications thereon by the first respondent.

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For petitioner Mr. S. Haja Mohideen Gisthi

For R1 Mr. P.S. Sivashanmugasundaram
Special Government Pleader

For R2 Mr. N. Sampath, Standing Counsel

For R3 Mr. A. Nagarajan, Standing Counsel

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, accepts notice for the first respondent. Mr. N. Sampath, learned Standing Counsel, accepts notice for the second respondent. Mr.A.Nagarajan, learned Standing Counsel, accepts notice for the third respondent.

2 This writ petition is filed questioning the legality and validity of the order dated 22 December 2015 passed by the first respondent and the de-occupation notice dated 06 January 2016 issued by the second respondent and for a direction to the respondents forbearing them for taking any coercive action of again locking, sealing and demolition of the building in question, pending disposal of the appeal (sic) application dated 13 January 2016 and the interim application thereon by the first respondent.

3 The challenge to the impugned order dated 22 December 2015 is solely on the ground that an opportunity of personal hearing was not afforded to the petitioner.

4 Be that as it may, without expressing any opinion on the merits of the case, with the consent of the parties, we direct the first respondent to afford an opportunity of personal hearing to the petitioner at 11.00 a.m. on Tuesday, the 23 February 2016 and thereafter, pass a fresh order on the issue. In the meantime, status quo, as obtained today, shall be maintained. During the said personal hearing, the petitioner is at liberty to produce any other additional documents, if so advised.

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The writ petition stands disposed of with the aforestated direction observation. Costs made easy. Connected W.M.Ps. are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1 The Secretary to Government,
Housing and Urban Development Department,
State of Tamil Nadu,
Secretariat,
Fort St. George,
Chennai 600 009.

2 The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajar Maaligai,
No.1, Gandhi Irwin Road,
Egmore, Chennai 600 008.

3 The Commissioner,
Corporation of Chennai,
Ripon Building,
Chennai 600 003.

+1cc to Mr.N.Sampath, Advocate, S.R.No.9524
+1cc to Mr.A.Nagarajan, Advocate, S.R.No.9440
+1cc to the Government Pleader, S.R.No.9632

W.P. No.5400 of 2016

sld(CO)
srg(17/02/2016)

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