

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.8816 of 2016  
and W.MP.Nos.7824 and 7825 of 2016

A.Sukumaran

.. Petitioner

v.

The Executive Officer  
Arulmigu Thiruvalluvar Thiru Koil,  
Padi, Chennai - 600 050.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records connected with the Notice, dated 19.01.2016 issued by the respondent and quash the same and direct the respondent to allow the petitioner to continue in the premises, i.e., No.64, Anna Street, Devar Nagar, Chennai-600 050.

For Petitioner : Mr.S.Ilamvaludhi  
For Respondent : Mr.K.V.Dhanapalan, AGP (HR & CE)

O R D E R

The petitioner has filed the above writ petition, seeking an order to issue a writ of certiorarified mandamus, to call for the records connected with the Notice, dated 19.01.2016 issued by the respondent and quash the same and direct the respondent to allow the petitioner to continue in the premises, i.e., No.64, Anna Street, Devar Nagar, Chennai-600 050.

2. The petitioner was inducted as a tenant by the respondent in respect of S.No.295 and Plot No.64 and Door No.64 and for that purpose, an agreement was executed between the petitioner and the respondent in the year 1980. The rent has been fixed initially as Rs.10/- per month and later that has been enhanced to Rs.1078/- and the petitioner was paying the same regularly without any default. The petitioner has submitted that right from the beginning the rent fixed by the respondent herein has been paid by him and till date, there is no arrears of rent and further, as per the records maintained by the Office of the Commissioner of HR & CE Department, the Joint Commissioner issued a proceedings issued in Ne.Mu.No.15010/98/B1, dated 08.12.1998 states that all the records stands in the name of the petitioner.

3. Since the house constructed by the petitioner was in a

very dilapidated condition, the petitioner has sought permission to renovate the building, from the respondent and in turn, the respondent directed the petitioner to get plan permission from the HR & CE Department and other officials and accordingly, the petitioner obtained planning permission also from the respondent.

4. While so, all of a sudden, to the surprise of the petitioner, the respondent herein sent a registered notice, dated 19.01.2016, stating that the petitioner is trying to construct a building in the premises, bearing S.No.295 and Plot No.64 and Door No.64 and in the said notice, it has been stated to stop the construction and if not, legal action would be initiated against the petitioner. Hence, the petitioner has come forward with the present writ petition, seeking for the relief as stated supra.

5. Mr.S.Ilamvaludhi, learned counsel appearing for the petitioner contended that the petitioner is not constructing any superstructure in the said premises as on date. But Mr.K.V.Dhanapalan, AGP (HR & CE) denies the case and submission of the petitioner, stating that the petitioner is proceeding with the construction. However, I am of the opinion that this Court cannot go in to the disputed questions of fact. Hence, without going into the merits of the case, this Court directs the petitioner to submit a representation along with an undertaking to the respondent stating that he would not proceed with any construction in the said premises and on filing such an undertaking by the petitioner, the respondent is at liberty to consider and pass appropriate orders on the representation of the petitioner.

With the above observations, this writ petition is disposed of. No costs. Consequently, connected WMP.Nos.7824 and 7825 of 2016 are closed.

s/d-

Assistant Registrar(AS)

True Copy

Sub-Assistant Registrar

To

The Executive Officer  
Arulmigu Thiruvalluvar Thiru Koil,  
Padi, Chennai - 600 050.

+ 1 cc to Govt.Pleader SR 16663

+ 1 cc to Mr.S.Ilamvaludhi, Advocate Sr 3749 (30/3/16)

sai(co)  
prk28/3

W.P.No.8816 of 2016