

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2017

CORAM

THE HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.5255 of 2017 and

WMP. No. 5577 of 2017

R.Saravanan, S/o.P.Rajagopal  
Partner, M/s.Hotel Saravana Bhavan  
Having Corporate Office at No.230  
NSK Salai, Vadapalani, Chennai - 26. Petitioner

Vs.

- 1.The State Government of Tamil Nadu  
Rep. by its Secretary  
Housing and Urban Development Department  
Fort St. George, Chennai.
- 2.The Commissioner  
Corporation of Chennai  
Rippon Building  
Chennai.
- 3.The Executive Engineer  
Greater Chennai Corporation  
Zonal Office-X  
No.117, N.S.K. Salai  
Kodambakkam, Chennai - 600 024. .. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing the 1<sup>st</sup> respondent to dispose of the Appeal filed on 18.11.2016 by the Petitioner against the Impugned notice of the 3<sup>rd</sup> respondent dated 19.10.2016 vide proceedings bearing Notice No.Zone-10/TP Enforcement/001/2016 in accordance with law.

For Petitioner : Mr.Venkatachalapathy  
Senior Counsel  
for Mr.S.Ratnakaran

For Respondents : Mr.R.Vijayakumar  
Addl. Government Pleader  
for 1<sup>st</sup> respondent

Mr.R.Arunmozhi  
for respondents 2 and 3

ORDER

(Order of the Court was made by the Acting Chief Justice)

Mr.R.Vijayakumar, learned Additional Government Pleader takes notice for the first respondent and Mr.R.Arunmozhi, learned counsel takes notice for respondents 2 and 3.

2. Heard the learned counsel for the parties.

3. The petitioner has filed this writ petition seeking issuance of a writ of Mandamus directing the 1<sup>st</sup> respondent to dispose of the Appeal filed on 18.11.2016 by the petitioner against the impugned notice of the 3<sup>rd</sup> respondent dated 19.10.2016 vide proceedings bearing Notice No.Zone-10/TP Enforcement/001/2016 in accordance with law.

4. The petitioner is carrying on hotel business in the premises in question. It is averred that there is difference of opinion between the landlord and the petitioner and civil disputes are pending between them. It is the plea of the petitioner that the landlord, who was unsuccessful in vacating the petitioner, has influenced the Corporation officials to initiate proceedings under the provisions of the Tamil Nadu Town and Country Planning Act, 1971 and consequently, de-occupation notice was issued on the landlord on 19.10.2016. Aggrieved by the said notice, the petitioner has preferred an appeal under Section 80A of the said Act and the same is pending consideration. Hence, he has filed this writ petition for the relief stated supra.

5. Admittedly, the petitioner is only a tenant in the said property. The person who should be more aggrieved by the de-occupation notice is the landlord, who is not a party before us. That apart, the landlord has not filed any appeal under Section 80A of the Act till date. It is also on record that there are various civil litigations pending between the petitioner and his

landlord. If the petitioner has preferred an appeal along with stay petition, it is for the authorities concerned to consider the same. The petitioner may approach the respondent authorities in this regard praying for early disposal.

The writ petition is disposed of accordingly. No costs. Consequently, W.M.P.No.5577 of 2017 is closed.

Sd/-  
Asst.Registrar (CS II )

/true copy/

Sub Asst. Registrar

To:

- 1.The Secretary  
State Government of Tamil Nadu  
Housing and Urban Development Department  
Fort St. George, Chennai.
- 2.The Commissioner  
Corporation of Chennai  
Rippon Building  
Chennai.
- 3.The Executive Engineer  
Greater Chennai Corporation  
Zonal Office-X  
No.117, N.S.K. Salai  
Kodambakkam, Chennai - 600 024.

+1cc to Mr. S. Rathnakaran, Advocate Sr. 13685  
+1cc to Mr. R. Arunmozhi, Advocate Sr. 14214  
+1cc to the Government Pleader Sr. 14163

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W.P.No.5255 of 2017

GR(CO)  
VR(20/03/2017)