

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2017

CORAM :

The Hon'ble Ms.INDIRA BANERJEE, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.SUNDAR

W.P.No.9549 of 2017

and

W.M.P.No.10484 of 2017

K.Girija Verma .. Petitioner

Vs.

1.The Executive Engineer,
Zone-VI,
Corporation of Chennai,
No.5, Anderson Street,
Ayanavaram,
Chennai-600 023.

2.The Assistant Engineer,
Division-17,
Corporation of Chennai,
Dobi Canal,
Kosapet,
Chennani-600 012.

3.N.Rajasekaran

4.N.Jeyachander

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus, directing the respondents to consider the representation dated 21.3.2017 on the file of the respondents and consequently, direct the respondents to grant appropriate time period to de-occupy the premises at No.41, Chelappa Street, Ground Floor, Kosapet, Chennai-600 012.

For Petitioner : Mr.T.R.Udayakumar

For Respondents: Mr.A.Nagarajan,
Standing Counsel for RR1 and 2

- - - -

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner claims to have become a tenant under Mr.N.Rajasekaran and Mr.N.Jeyachander being respondent Nos.3 and 4, by execution of an unregistered agreement dated 12th September, 2015, for the house property at No.41, Chellappa Street, Ground Floor, Kosapet, Chennai-600 012, herein after referred to as "the said premises".

2 According to the petitioner, the petitioner's husband died on 17th September, 2016. Since then, the petitioner has been in possession and enjoyment of the said premises along with her family upon payment of rent to the landlords. The petitioner is, apparently, aggrieved by a notice dated 2nd March, 2017 being notice No.Zone VI/Unit 17/90/2017, informing the petitioner that she is in occupation of an unauthorised / deviated building and calling upon her to vacate the said premises within 7 days, i.e., on or before 10th March, 2017. The petitioner has sought orders on the respondents to grant the petitioner three months' time to vacate the premises in question.

3 The petitioner shall give an undertaking by way of an affidavit to vacate the said premises within 15th July, 2017. Subject to the furnishing of such undertaking, the respondent authorities shall not initiate steps to dispossess the petitioner. The petitioner shall vacate the premises within 15th July, 2017. Needless to mention that if the petitioner does not vacate the said premises within 15th July 2017, it will be open to the first respondent authority to proceed in accordance with law. The undertaking by way of an affidavit shall, positively, be filed with the Registry of this Court within a week from the date of receipt of a copy of this order and a copy thereof shall be furnished to the first respondent. In default of furnishing of an affidavit, as directed in this order, this order shall stand vacated and the writ petition shall stand dismissed.

4 The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar(CSVI)

True Copy

Sub-Assistant Registrar

vvk

To

1.The Executive Engineer,
Zone-VI,
Corporation of Chennai,
No.5, Anderson Street,
Ayanavaram,
Chennai-600 023.

2.The Assistant Engineer,
Division-17,
Corporation of Chennai,
Dobi Canal,
Kosapet,
Chennani-600 012.

copy to
The Section Officer
Writ Section
High Court Madras
(To verify undertaking affidavit filed)

+1 cc to Mr.T.R.Udayakumar Advocate sr 23493
+1 cc to M/s.A.Nagarajan Standing Counsel for
Corporation sr 23523

W.P.No.9549 of 2017

gjII(co)
aa05/05/2017