

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2017

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THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.11388 of 2017  
and W.M.P.No.12341 of 2017

Amalgamated Holdings Ltd.,  
Rep by its authorized signatory  
Registered Office No.371, Lloyds Road,  
Gopalapuram (North), Chennai - 600 086. ...Petitioner

Vs.

1. The Commissioner  
Greater Chennai Corporation  
Chennai.
2. The Revenue Officer  
Greater Chennai Corporation  
Chennai.
3. The Asst. Revenue Officer  
Zonal 10,  
Greater Chennai Corporation  
New No.117, Old No.64, N.S.K.Salai,  
Kodambakkam,  
Chennai - 600 024. ...Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of ceriorarified mandamus, calling for the records and quash the said notice No.NIL dated 04.04.2017 and to forbear the respondents from evicting the petitioner from the said shop No.10, Corporation Complex, Dr.Nair Road, T.Nagar, Chennai, without following the reasonable procedure and due process of law.

For Petitioner : Ms.Inthu Karunakaran

For Respondents : Mr.K.Venkataramani,  
Additional Advocate General  
Assisted by Mr.P.V.Selvakumar

O R D E R

By consent of either side, the writ petition itself is taken up for final disposal.

2.Challenging the order dated 04.04.2017, by which, the petitioner was asked to vacate the shop in question on the ground that it is required for construction of multilevel parking facility in the Smart City Project, the present writ petition has been filed.

3.Learned counsel appearing for the petitioner would submit that the petitioner has been in possession and enjoyment of the shop for quite number of years. The petitioner has also been making payment without fail. Therefore, the order impugned will have to be set aside.

4.The learned Additional Advocate General based upon the counter affidavit would submit that the permission is given on a monthly basis and the petitioner has neither a legal right nor a vested one. He would further submit that considering the congestion, the place is required urgently for putting up multilevel parking facility and hence, no interference required.

5.The learned counsel appearing for the petitioner, by way of reply, would submit that the petitioner may be given sufficient time to vacate and the concerned respondent may also consider the alternative place available.

6.Considering the above, this Court is of the view that as rightly submitted by the learned Additional Advocate General, there is no legal right vested on the petitioner to be in continued possession. The object for vacating the shop is for public purpose. There is a proposal to construct a multilevel parking in the Smart City Project. Therefore, this Court is of the view that the impugned order will have to be sustained. However, considering the case, particularly, taking note of the prolonged possession of the petitioner, a further time of three months is granted from today to hand over the vacant possession in favour of the respondents subject to the requisite payment. The petitioner is also at liberty to make a representation to the respondents seeking alternative accommodation. As and when such a request is received, the respondent concerned shall consider it and pass appropriate orders on the same within a period of four weeks from the date on which it is received.

7.With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

cse

To

1. The Commissioner  
Greater Chennai Corporation  
Chennai.
2. The Revenue Officer  
Greater Chennai Corporation  
Chennai.
3. The Asst. Revenue Officer  
Zonal 10,  
Greater Chennai Corporation  
New No.117, Old No.64, N.S.K.Salai,  
Kodambakkam,  
Chennai - 600 024.

+1 cc to M/s.P.V.Selvakumar Advocate sr 42559

+1 cc to M/s.InthuKarunakaran Advocate sr 42716

W.P.No.11388 of 2017

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