

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2017

CORAM

THE HON'BLE MS. INDIRA BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.Nos.12642 to 12644 of 2017

P.Seethalakshmi .. Petitioner in
WP:12642/2017

Kannan .. Petitioner in
WP:12643/2017

Amudha .. Petitioner in
WP:12644/2017

Vs.

1. The Regional Deputy Commissioner (Central)
Chennai Corporation
Rippon Buildings, Chennai - 3.
2. The Zonal Officer
Zone-7, Ambattur
Chennai. .. Respondents in all WP's

PRAYER: Petitions under Article 226 of the Constitution of India seeking issuance of writ of certiorarified mandamus to call for the records relating to the impugned order of the 1st respondent made in Z.O.VII.C.No.E1/08477/2014, dated 20.2.2015, consequential eviction notice issued by the 2nd respondent on 15.2.2017, quash the same and consequentially direct the respondents to allot a suitable, fit and proper site for residence to the petitioners.

For Petitioners : No appearance

For Respondents : Mr.V.C.Selvasekaran

COMMON ORDER

(Order of the Court was made by the M.Sundar,J.)

These writ petitions have been filed, inter alia, assailing an order dated 20.2.2015 (bearing reference Z.O.VII.C.No.E1/08477/2014) issued by the first respondent and a consequential eviction notice dated 15.2.2017 issued by the second respondent.

2. When the matter was called, there was no representation for the writ petitioners.

3. It is seen that the eviction notice dated 15.2.2017 is not only a consequential one, but is also in the nature of mere communication pursuant to the abovesaid order of the first respondent dated 20.2.2015.

4. A perusal of the order dated 20.2.2015 (bearing reference Z.O.VII.C.No.E1/08477/2014) made by the first respondent reveals that the same has been issued under Section 220 read with Section 222 of the Chennai City Municipal Corporation Act, 1919.

5. It is not in dispute (as is evident from the averments in the affidavit) that the very same notice dated 20.2.2015 was assailed by the writ petitioners along with one other person (Manikandan, writ petitioner in W.P.No.15368 of 2015) by filing W.P.Nos.15366 to 15369 of 2015.

6. On 24.1.2017, when the above said writ petitions (W.P.Nos.15366 to 15369 of 2015) came up before this Court, there was no appearance for the writ petitioners on that day too. The writ petitions were disposed of by a Division Bench of this Court by an order dated 24.1.2017, which reads as follows:

"On 27.05.2015, it was recorded that the impugned order was not included in every writ petition and steps will be taken to annexe the impugned order. Thereafter, no steps have been taken on the part of the petitioners.

2. We may also note the stand of the respondent in the counter-affidavit that the petitioners have encroached on OSR land meant for park which belongs to the Greater Chennai Corporation and thus, action in accordance with law to evict the encroachments was being taken under Section 220 read with 222 of the Chennai City Municipal Corporation Act, 1919.

3. Writ petitions stand dismissed..... "

7. It is now seen that the writ petitioners herein, who were also the writ petitioners in the earlier proceedings, have filed the instant writ petitions assailing the very same impugned order made by the first respondent. However, as stated supra, in the instant writ petitions, a consequential order (admittedly a consequential order, as is evident from the prayer) has also been called in question.

8. Mr.V.C.Selvasekaran, learned Standing Counsel who accepts notice on behalf of the respondents points out that the petitioners have encroached upon Open Space Reserved Area ("OSR" for brevity), which is meant for parks and, therefore, notices were issued invoking Section 220 read with Section 222 of the Chennai City Municipal Corporation Act, 1919.

9. Be that as it may, as the same impugned order was earlier unsuccessfully challenged by the writ petitioners, another set of writ petitions challenging the very same order is not only impermissible, but not maintainable.

Owing to all that have been stated supra, we dismiss the instant writ petitions. We make it clear that the respondents shall proceed with further action in accordance with law pursuant to the impugned eviction notice dated 15.2.2017. No costs. Consequently, W.M.P.Nos.13427 to 13432 of 2017 are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To:

1. The Regional Deputy Commissioner (Central)
Chennai Corporation
Rippon Buildings, Chennai - 3.
2. The Zonal Officer
Zone-7, Ambattur
Chennai.

W.P.Nos.12642 to 12644 of 2017

NRI (CO)
RS(19/06/2017)