

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2017

CORAM

The HON'BLE MS.INDIRA BANERJEE, CHIEF JUSTICE
AND

The HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.13714 of 2017

and

W.M.P.No.14903 of 2017

Mohammed Ali

... Petitioner

vs.

- 1.The Government of Tamilnadu,
rep. by its Secretary to the Government,
Housing and Urban Development Department,
Fort St. George,
Chennai-09.
- 2.The Additional Secretary to the
Government of Tamilnadu (Technical),
Housing and Urban Development Department,
Fort St. George,
Chennai-09.
- 3.The Commissioner of Corporation,
Office of the Commissioner of Corporation,
Rippon Building,
E.V.R.Salai,
Chennai-600 003.
- 4.The Deputy Commissioner,
Regional (Central),
Corporation of Chennai,
No.36B, 2nd Cross Street,
Pulla Avenue, Shenoy Nagar,
Chennai-30.
- 5.The Assistant Engineer,
Office of the Corporation,
Division-114, Zone-09,
Valluvarkottam,
Chennai-600 034.

6.The Assistant Executive Engineer,
Office of the Corporation,
Unit-27, Zone-09,
Valluvarkottam,
Chennai-600 034.

7.The Executive Engineer,
Office of the Corporation,
Zone-09, Valluvarkottam,
Chennai-600 034.

8.The Agent,
H.H. Prince of Arcot Endowments,
Amir Mahal,
Royapettah, Chennai-600 014. Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the first to seventh respondents to consider the appeal of the petitioner dated 13.05.2017 pending on the file of the second respondent and to take back the notice issued by the 5th, 6th & 7th respondents vide Notice No.REGIONCENTRAL/TPENF/1169/2017 dated 11.05.2017.

For Petitioner : Mr.S.Madhusudanan

For Respondents : Mr.R.Vijayakumar
for respondents 1 & 2
Mr.A.Nagarajan
for respondents 3 to 7

ORDER

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

This writ petition has been filed with a prayer assailing a de-occupation notice dated 11.05.2017 bearing reference No.REGIONCENTRAL/TPENF/1169/2017 issued by respondents 5 to 7.

2. It is the specific case of the writ petitioner that he is a lessee in the building/property in question and that respondent No.8 before us (private respondent) is the lessor.

3. It is also the specific case of the writ petitioner that the superstructure in the demised property admeasures 672 square feet or thereabouts and therefore, it does not require planning

permission, but we express no opinion on this at this stage in this order.

4. Mr.R.Vijayakumar, learned Additional Government Pleader accepts notice for respondents 1 and 2. Mr.A.Nagarajan, learned Standing Counsel accepts notice for respondents 3 to 7.

5. We see that the impugned notice dated 11.05.2017 issued by respondents 5 to 7 was addressed to the petitioner, who is a lessee.

6. Lessee may not be in a position to produce the approved plan, which has been sought for prior to the issuance of the impugned notice.

7. We are of the opinion that it would be appropriate to direct respondents 5 to 7 to issue the same impugned notice to respondent No.8 also as he is admittedly the owner of the property/building in question.

8. Mr.A.Nagarajan, learned Standing Counsel who accepted notice on behalf of respondents 3 to 7 states that they would issue the impugned notice to respondent No.8 also and thereafter proceed in accordance with law.

9. Respondents 5 to 7 shall issue the impugned notice as well as notices dated 31.08.2015 and 10.09.2015 preceding the same (cited as Nos.1 and 2 in reference in the impugned notice) to respondent No.8 within a fortnight from the date of communication of this order, thereafter depending upon the response of the eighth respondent, drop the proceedings if convinced or proceed in accordance with law, if it becomes necessary and conclude the proceedings within two months thereafter.

10. The writ petition, accordingly, stands disposed of. No costs. Consequently, W.M.P.No.14903 of 2017 is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To:

1.The Secretary to the Government,
Housing and Urban Development Department,
Fort St. George,
Chennai-09.

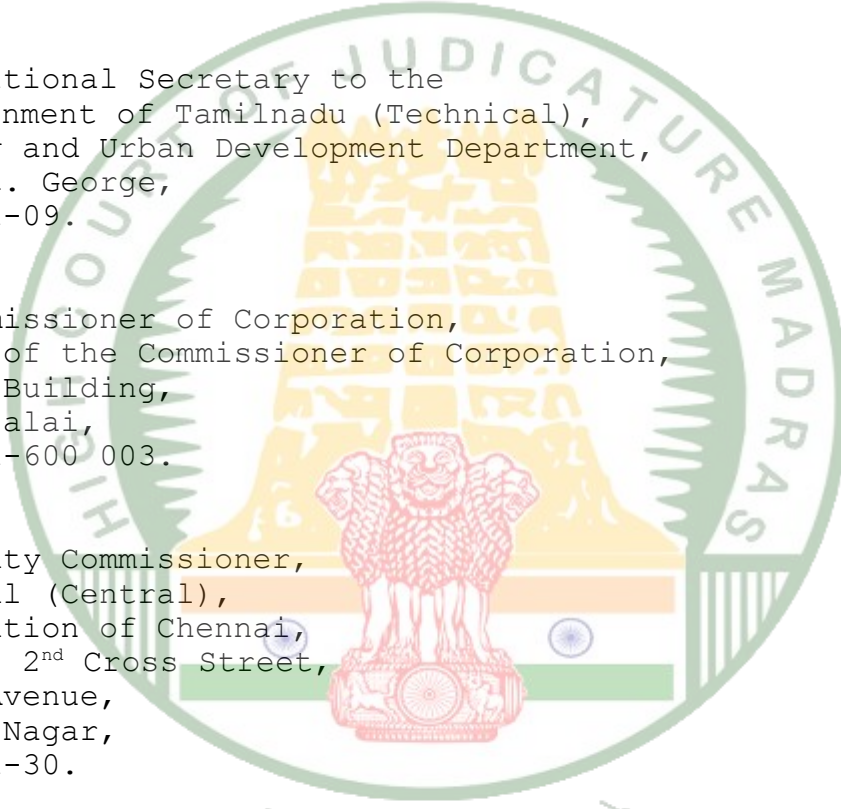
2.The Additional Secretary to the
Government of Tamilnadu (Technical),
Housing and Urban Development Department,
Fort St. George,
Chennai-09.

3.The Commissioner of Corporation,
Office of the Commissioner of Corporation,
Rippon Building,
E.V.R.Salai,
Chennai-600 003.

4.The Deputy Commissioner,
Regional (Central),
Corporation of Chennai,
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5.The Assistant Engineer,
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6.The Assistant Executive Engineer,
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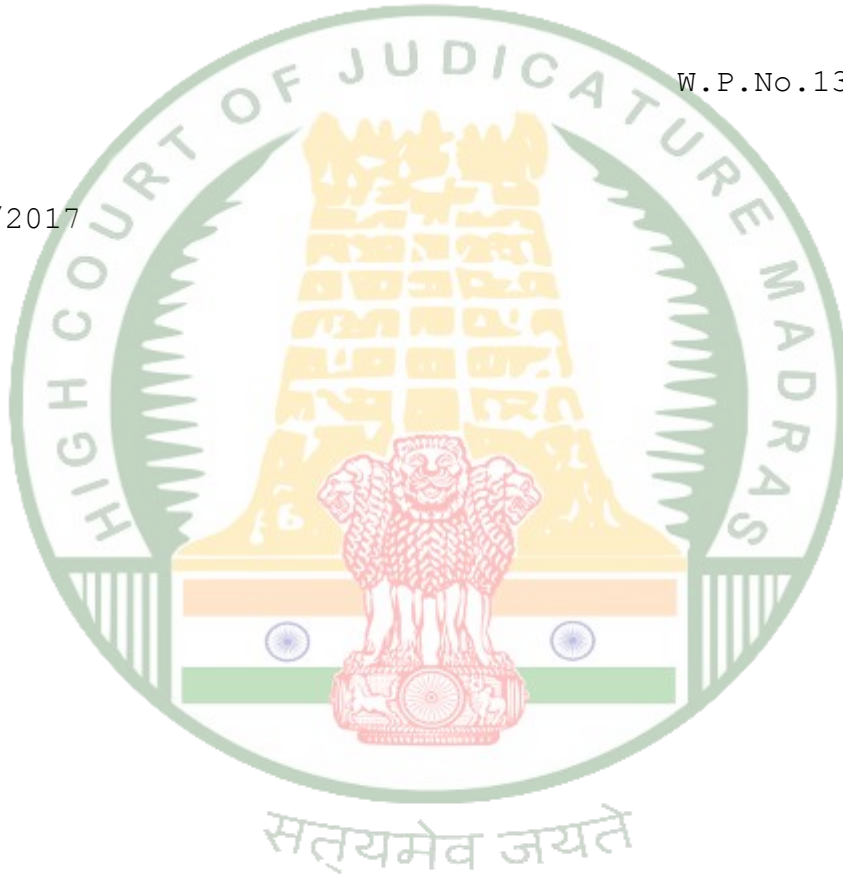
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7.The Executive Engineer,
Office of the Corporation,
Zone-09, Valluvarkottam,
Chennai-600 034.

+1cc to M/S.A.Nagarajan, Advocate Sr.40141
+1cc to M/S.S.M.Madhusudanan, Advocate Sr.39742
+1cc to the Government Pleader Sr.39900

W.P.No.13714 of 2017

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srg 15/06/2017



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