

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2017

CORAM:

THE HON'BLE MR. JUSTICE M.SATHYANARAYANAN
And
THE HON'BLE MR.JUSTICE N.SESHASAYEE

W.P.Nos.25641 to 25643 of 2017

A.Leela Mohan .. Petitioner in W.P.No.25641/2017
Mahendra Kumar ... Petitioner in W.P.No.25642/2017
Kailash Jain .. Petitioner in W.P.No.25643/2017

vs.

1.The Superintendent Engineer (North),
Greater Chennai Corporation,
No.62, Basin Bridge Road,
Chennai-600 021.

2.The Zonal Officer, Zone-V,
Greater Chennai Corporation,
No.62, Basin Bridge Road,
Chennai-600 021.

3.B.Vydehi ... Respondents in all W.Ps.

Prayer in W.P.No.25641 of 2017: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first and second respondents to de-seal the premises at Door No.12/2, Kumarappa Maistry Street, Chennai-600 001, based on petitioner representation dated 19.09.2017 in order to remove the perishable goods and other belongings in the ground floor shop portion.

Prayer in W.P.No.25642 of 2017: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first and second respondents to de-seal the premises at Door No.12/2, Kumarappa Maistry Street, Chennai-600 001, based on petitioner representation dated 19.09.2017 in order to remove the perishable goods and other belongings in the ground floor shop portion.

Prayer in W.P.No.25643 of 2017: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of

a Writ of Mandamus directing the first and second respondents to de-seal the premises at Door No.12/2, Kumarappa Maistry Street, Chennai-600 001, based on petitioner representation dated 19.09.2017 in order to remove the perishable goods and other belongings in the ground floor shop portion.

For Petitioner : Mr.A.Manoj Kumar
in all W.Ps.

For Respondent : Mr.A.Nagarajan for R1 and R2

C O M M O N O R D E R

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

By consent, all these writ petitions are taken up for final disposal and disposed of by this common order, as the issue involved is one and the same.

2. The petitioner in W.P.No.25641 of 2017 claims to be a tenant of the premises bearing Door No.12/2, Kumarappa Maistry Street, Chennai-600 001, which is owned by the third respondent and he is occupation of the shop in Ground Floor and carrying on the business as a Dealer dealing with turmeric, chillies, coriander, garlic and tamarind for the past 5 years. The petitioner would further aver that to his shock and surprise, all of a sudden on 05.09.2017, the officials attached to the respondents 1 and 2 had visited the premises and informed the petitioner and other two tenants in the ground floor to vacate the premises in order to put them under Lock and Seal. The petitioner and other tenants requested the authorities to grant a week time and however, it was not considered by the officials of the respondents 1 and 2 and they locked and sealed the premises.

3. The petitioner in W.P.No.25642 of 2017 claims to be a tenant of the premises bearing Door No.12/2, Kumarappa Maistry Street, Chennai-600 001, which is owned by the third respondent and he is occupation of the shop in Ground Floor and carrying on the business as a Dealer dealing with cereals, pulses, spices and dry fruits for the past 20 years. The petitioner would further aver that to his shock and surprise, all of a sudden on 05.09.2017, the officials attached to the respondents 1 and 2 had visited the premises and informed the petitioner and other two tenants in the ground floor to vacate the premises in order to put them under Lock and Seal. The petitioner and other tenants requested the authorities to grant a week time and however, it was not considered by the officials of the respondents 1 and 2 and they locked and sealed the premises.

4. The petitioner in W.P.No.25643 of 2017 claims to be a tenant of the premises bearing Door No.12/2, Kumarappa Maistry

Street, Chennai-600 001, which is owned by the third respondent and he is occupation of the shop in Ground Floor and carrying on the business as a Dealer dealing with chocolates and confectioners for the past 20 years. The petitioner would further aver that to his shock and surprise, all of a sudden on 05.09.2017, the officials attached to the respondents 1 and 2 had visited the premises and informed the petitioner and other two tenants in the ground floor to vacate the premises in order to put them under Lock and Seal. The petitioner and other tenants requested the authorities to grant a week time and however, it was not considered by the officials of the respondents 1 and 2 and they locked and sealed the premises.

5. The learned counsel appearing for the petitioners would submit that perishable goods are being stored in the shops and in the event of subsistence of the Lock and Seal in their shops, they would be put to grave financial loss and hardship, which they already suffer on account of the sudden Lock and Seal and they may be granted time to remove the perishable goods and other articles and in this regard, they have also submitted representations dated 09.09.2017 and therefore, it would be suffice, if a direction is given to the concerned authorities to consider their representation positively and pass appropriate orders. The learned counsel appearing for the petitioners would further submit that the third respondent/landowner also expressed no objection in removing the goods by the petitioners.

6. Mr.A.Nagarajan, learned counsel appearing for the respondents would submit that if particular time and date is fixed by this Court, the officials of the respondents would remove the Lock and Seal temporarily so as to enable the petitioners to remove the perishable goods and articles and thereafter further orders may be passed to re-seal the premises.

7. This Court has considered the rival submissions and also perused the entire materials placed before it.

8. In the light of the limited scope of prayer sought for by the petitioners, this Court passes the following order:

The second respondent shall temporarily remove the Lock and Seal put up on the shops, which were in the occupation of the petitioners, on 23.09.2017 between 11.00 a.m and 5.00 p.m. in the presence of the petitioners or their authorized representatives and the official (s) of the respondents 1 and 2 and the petitioners shall remove the articles stored in the said premises and if necessary, photographs/videographs may also be taken and after the said exercise is carried out by the petitioners, the respondents 1 and 2 shall re-seal the premises. The petitioners and the third respondent, depending upon the further action to be taken by the respondents 1 and 2, shall be

at liberty to workout their remedy before the competent forum in accordance with law.

9. These Writ Petitions are disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

jvm

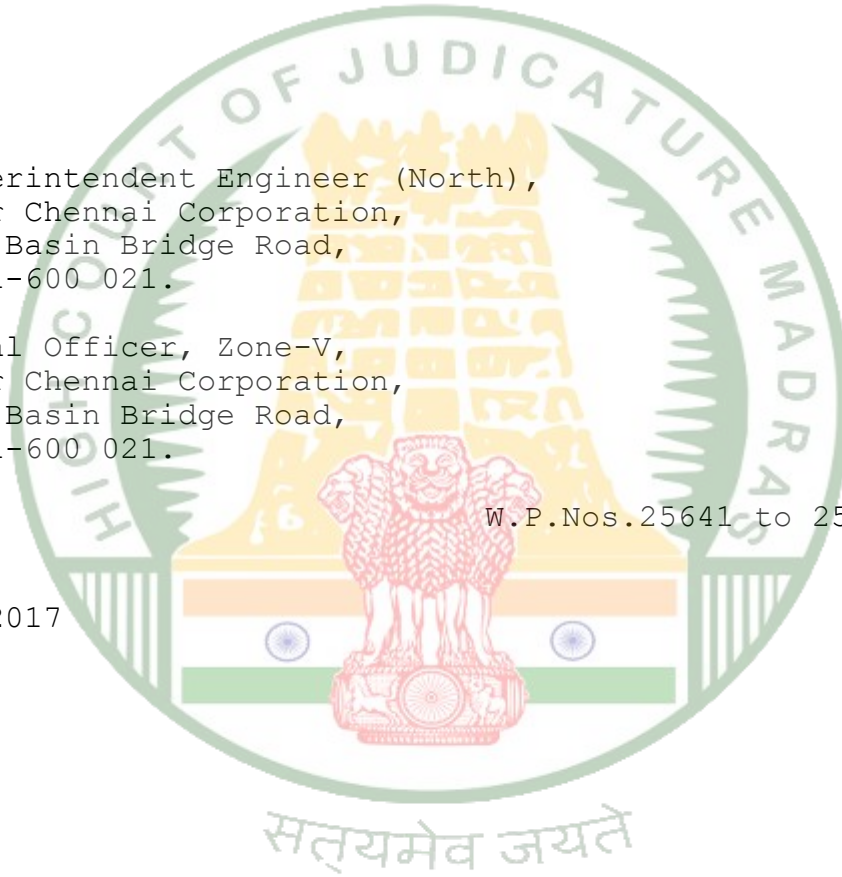
To

1.The Superintendent Engineer (North),
Greater Chennai Corporation,
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2.The Zonal Officer, Zone-V,
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GMI (CO)
NR 27/10/2017



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