

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.05.2018

CORAM

THE HONOURABLE MR. JUSTICE S.BASKARAN
and
THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

W.P.Nos.13164 to 13166 of 2018
and
W.M.P.Nos.15476 to 15481 of 2018

Sanjay Kumar ... Petitioner in W.P.No.13164 of 2018
S.Dinesh Kumar ... Petitioner in W.P.No.13165 of 2018
Chandra Singh ... Petitioner in W.P.No.13166 of 2018

Vs.

- 1.The Commissioner
Greater Chennai Corporation
Rippon Buildings
Chennai - 600 009.
- 2.The Zonal Officer
Zone-5, Greater Chennai Corporation
Rippon Buildings, Chennai - 600 009.
- 3.Assistant Revenue Officer
Zone 5, Greater Chennai Corporation
Revenue Department
Chennai.
- 4.The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Building
Egmore, Chennai - 600 008.
- 5.Rajendra Singh
- 6.The Executive Engineer
Division 57, Zone -5
Greater Chennai Corporation, Chennai.
- 7.Assistant Engineer Division 57
Zone 5, Greater Chennai Corporation
Chennai.

8. Assistant Executive Engineer
Division Unit 13
Greater Chennai Corporation
Chennai.

... Respondents in all Wps

Common Prayer : Petitions filed under Article 226 of the Constitution of India, issue a writ of Certiorarified Mandamus, to call for the entire records of the impugned proceedings of the respondent 6 to 8 in ZOV/C No 57/ENF/4886/2018 dated 22.05.2018 and quash the same consequently, forbearing the respondents their men agent, servants, attorneys, representatives or any other persons from in any manner interfering in the peaceful possession and enjoyment of the petitioners property at old No.126, New No.253, Govindappa Naicken Street, George Town, Chennai - 600 001.

For Petitioners : M/s.P.Bagyalakshmi [in all WPs]

For Respondents : Mr.S.Saravanan [in all WPs]

[In all WPs] Standing Counsel
[for R1 to R3 & R6 to R8]

Mr.K.Raja Shrinivas [in all WPs]
CMDA [For R4]

C O M M O N O R D E R

(Order of the Court was made by RMT.Teekaa Raman, J.)

By an order dated 27.04.2018 in W.P.No.11290 to 11292 of 2018, a Division Bench of this Court has directed to give show cause notice to the petitioners herein and to get a response and thereafter, to pass orders. However, according to the learned counsel for the petitioners, without complying with the spirit of the order passed by the above direction, straight away the second respondent has passed de-occupation notice without following the direction contained in the earlier order.

2.Mr.S.Saravanan, learned Standing Counsel takes notice on behalf of respondents 1 to 3 and 6 to 8 and Mr.K.Raja Shrinivas, learned counsel, takes notice for the CMDA/fourth respondent.

3.After going through the impugned order dated 22.05.2018 and also the order dated 27.04.2018 passed by the Division Bench in the above said writ petitions, it is apparent on the face of the record that the spirit of the order dated 27.04.2018 has not been complied with in letter and spirit and therefore, we have no hesitation to set aside the impugned notice issued by the second respondent on 22.05.2018 for non-compliance of the

earlier direction issued by the Division Bench in the above said order. Further, we also hereby clarify that the official respondents are at liberty to issue necessary fresh notice as contemplated by the Division Bench in the above said order and comply with the direction in accordance with law.

4.All the writ petitions stand disposed of on the above terms. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

maya/sra

To

- 1.The Commissioner
Greater Chennai Corporation
Rippon Buildings
Chennai - 600 009.
- 2.The Zonal Officer
Zone-5, Greater Chennai Corporation
Rippon Buildings, Chennai - 600 009.
- 3.Assistant Revenue Officer
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- 4.The Member Secretary
Chennai Metropolitan Development Authority
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- 5.The Executive Engineer
Division 57, Zone -5
Greater Chennai Corporation
Chennai.
- 6.Assistant Engineer Division 57
Zone 5, Greater Chennai Corporation
Chennai.

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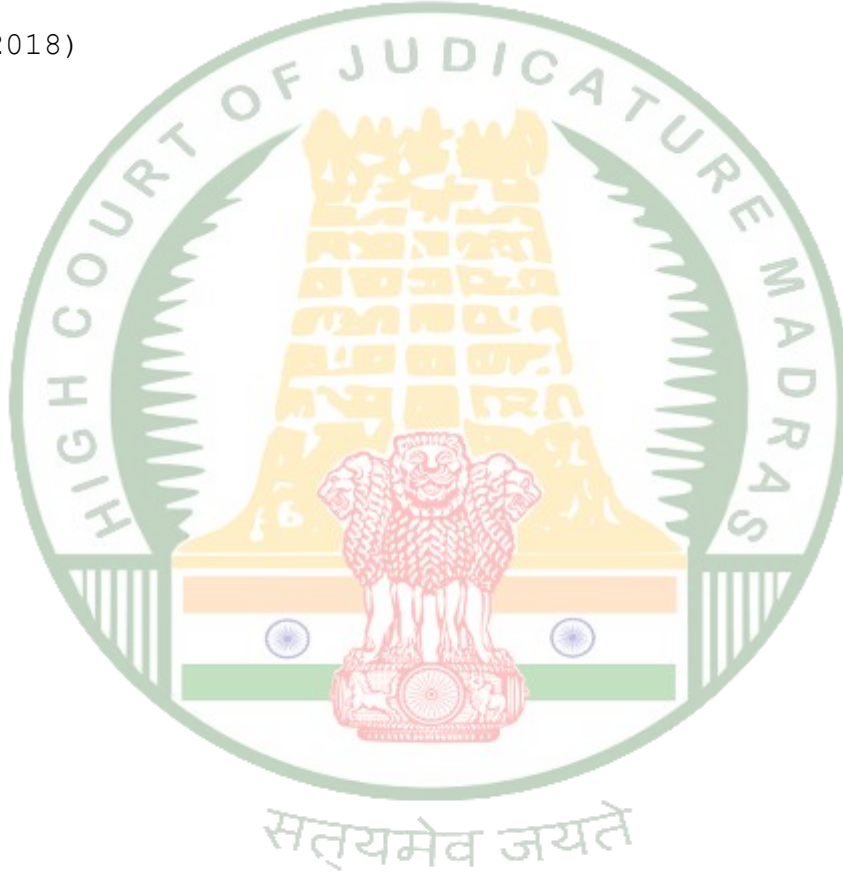
7.Assistant Executive Engineer
Division Unit 13
Greater Chennai Corporation
Chennai.

+1cc to Mr.K.Rajasrinivas, Advocate SR.No.34223

+3cc to Mr.S.saravanan, Advocate SR.No.34419(29/06/2018)

W.P.Nos.13164 to 13166 of 2018

VSN(CO)
GN(04/06/2018)



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