

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 23.04.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.Nos.19162 to 19168 of 2017
& W.M.P.Nos.20690 to 20696 of 2017

D.Inbavalli	...	Petitioner in W.P.No.19162 of 2017
V.SELVI	...	Petitioner in W.P.No.19163 of 2017
MAHEEN UNNISHAH	...	Petitioner in W.P.No.19164 of 2017
C.SHANTHA	...	Petitioner in W.P.No.19165 of 2017
K.K.AVARANKUTTY	...	Petitioner in W.P.No.19166 of 2017
A.M.ANITHA	...	Petitioner in W.P.No.19167 of 2017
K.THENMOZHI	...	Petitioner in W.P.No.19168 of 2017

vs.

1. Commissioner,
Corporation of Chennai,
Ripon Buildings, Chennai 600 003.
2. The Assistant Revenue Officer (M),
Corporation of Chennai,
Ripon Buildings,
Chennai 600 003. Respondents in all Writ Petitions

Common Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari to call for the records in Z.O.V.R.D.C.No.R2/3645/2017, dated 16.06.2017, on the file of the 2nd respondent and quash the same.

For Petitioner : Mr.S.Silambanan, Senior Counsel
(in W.P.No.19162 of 2017) for M/s.Hasan Mohammed Jinnah

For Respondent : Mrs.Narmadha Sampath, AAG
(in W.P.No.19162 of 2017) assisted by Mr.V.C.Selvasekaran
Standing Counsel

COMMON ORDER

Heard Mr.S.Silambanan, learned Senior Counsel for the petitioner and Mrs.Narmadha Sampath, learned Additional Advocate General appearing for the respondents 1 and 2 and perused the materials available on record.

2. According to the petitioners, they are lessees of the shops owned by the Chennai Corporation. The 2nd respondent by the impugned order directed them to vacate the premises within 30 days on the ground that the shopping complex is in a dilapidated condition. Challenging the same, these Writ Petitions have been filed.

3. The learned Senior Counsel for the petitioners submitted that out of 8 shops in the shopping complex, the petitioners in W.P.Nos.19163, 19166 & 19167 of 2017 are the original allottees of four shops and the other petitioners have been running the business for more than 10 years. However, the second respondent without causing any notice and conducting enquiry passed the impugned order in an arbitrary manner and in violation of the principles of natural justice.

4. Per Contra, learned Additional Advocate General appearing for the respondents submitted that the building in dispute is in a dangerous condition and based on the resolution No.347 of 2017, dated 06.06.2017, the respondents have taken a decision to demolish the building. It is further submitted that in respect of the original allottees, who are the petitioners in the W.P.Nos.19163, 19166 & 19167 of 2017, the Chennai Corporation has decided to allot alternative four shops in MKB Nagar and in respect of the sub lessees, if any representation is given, the same would be considered by respondents in accordance with law.

5. It is not in dispute that the building in question belongs to the respondent-Chennai Corporation. From the perusal of the photographs, produced by the petitioners and the respondents, it is evident that so many cracks have been developed in the superstructure, and it is in a dilapidated condition. So in my view, the Chennai Corporation has taken a right decision to demolish the building and I find no merit in these Writ Petitions. सत्यमेव जयते

6. Considering the submissions of the learned counsels on either side, the following directions are issued:

i) the respondents shall pass appropriate orders for allotting alternative shops in respect of the Writ Petitioners in W.P.Nos.19163, 19166 & 19167 of 2017, within a period of four weeks. On receipt of the allotment orders, they shall vacate their respective shops,

ii) The other petitioners shall give representations to the respondent-Corporation, within a period of two weeks. On such compliance, the respondents shall consider the same and pass appropriate orders, on merits and in accordance with law, within a period of four weeks, and

iii) The sub tenants shall vacate the premises within a period of six weeks from today, failing which, the respondents are at liberty to take possession with the help of the Police.

7. With the above observations and directions, these Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-vii)

//True Copy//

Sub Assistant Registrar

pvs
To

1. The Commissioner,
Corporation of Chennai,
Ripon Buildings, Chennai 600 003.
2. The Assistant Revenue Officer (M),
Corporation of Chennai,
Ripon Buildings,
Chennai 600 003.

+6cc to Mr.A.DAMODARAN, Advocate, S.R.No. 30469 to 30474
+1cc to Mr.A.DAMODARAN, Advocate, S.R.No.30475
(28.01.2018)

W.P.Nos.19162 to 19168 of 2017

SSD(CO)
TR(24/04/2018)

सत्यमेव जयते

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