

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2018

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

WP.No.15673 of 2018

R.Nandagopalan

...Petitioner

Vs.

1.The Commissioner,
Greater Chennai Corporation,
Chennai-03.

2.The Zonal Officer, Zone-6,
The Greater Chennai Corporation,
Ayyanavaram, No.5, Andersan Road,
Chennai-600 023.

3.Mr.Devaraj

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 1st respondent to direct the 2nd respondent to remove the seal to enable the petitioner to take his belongings from the locked and sealed rental premises at No.18/2, 1st Floor, Narayanan Mesthiri Street, Otteri, Chennai-600 012.

For Petitioner : Mr.E.Sivanandan

For Respondents : Mr.A.Nagaraj

Standing Counsel for R1 and R2

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.,]

By consent, the writ petition is taken up for final disposal.

2. Mr.A.Nagaraj, learned Standing Counsel accepts notice on behalf of respondents 1 and 2.

3. The petitioner claims to be a tenant under the 3rd respondent by means of lease / rental agreement dated 01.01.2016

and claims to have paid an advance of Rs.3,25,000/-. The grievance expressed by the petitioner is that the 2nd respondent alleging unauthorised construction on the part of the 3rd respondent, has initiated proceedings under the relevant provisions of Tamil Nadu Town and Country Planning Act, 1971 and put up a lock and seal on the premises on 07.02.2018. The further grievance expressed by the petitioner is that he is a tenant in respect of the premises bearing Door No.No.18/2, 1st Floor, Narayanan Mesthiri Street, Otteri, Chennai-600 012 and his belongings as well as the testimonies and certificates of his son viz., N.Keerthivasan, who has completed B.SC are also kept there and hence he is unable to do higher studies on account of the fact of locking and sealing and therefore prays for temporary relief of de-seal, so as to enable the petitioner to take his belongings.

4. The learned counsel appearing for the petitioner would submit that this Court may fix a particular date and time so as to enable the petitioner to take his belongings and thereafter lock and seal can be put up on the premises.

5. This Court heard the submission of the learned Standing Counsel appearing for the respondents 1 and 2 who would submit that for the purpose of removing the belongings, subject to the orders passed by this Court, lock and seal put up on the premises in question will be removed temporarily.

6. This Court taking into consideration the above facts and circumstances and also the limited scope of prayer sought for by the petitioner without going into the merits of the claim projected by the petitioner directs the 2nd respondent to remove the lock and seal put up on the premises bearing No.18/2, 1st Floor, Narayanan Mesthiri Street, Otteri, Chennai-600 012 on 29.06.2018 between 11.00 A.M to 05.00 P.M and the petitioner is at liberty to remove his belongings and if required, the 2nd respondent may take video graph and photo graph of the same and after such removal shall relock or reseal the premises on the day itself.

7. The writ petition stands disposed of with the above directions. No costs.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

sk

To

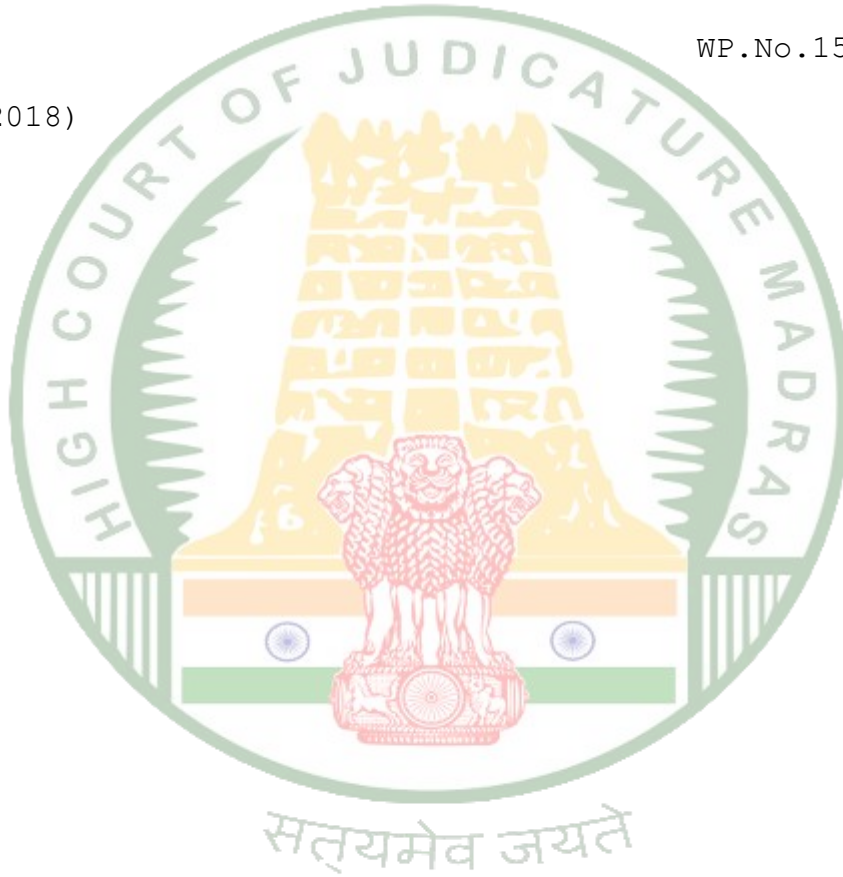
1.The Commissioner,
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+2cc to Mr.E.SIVANANDAN, Advocate, S.R.No. 41009

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TR(28/06/2018)



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