

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2018

CORAM :

THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.30516 of 2018 and

W.M.P.No.35591 of 2018

B.Amutha

.. Petitioner

Vs.

1.The Government of Tamil Nadu,
rep by Secretary,
Public Works Department,
Fort St. George, Secretariat,
Chennai - 600 009.

2.The Executive Engineer,
Public Works Department,
WRO, Araniyar Basin Division,
Chepauk, Chennai - 600 005.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of mandamus forbearing the respondents from demolishing the superstructure put up by the petitioner Mrs.Amutha in Plot No.1F, Ethiraj Salai, Egmore, Chennai - 600 008 and forcibly evict the lessee without invoking the provision of Tamil Nadu Public (Eviction of Unauthorized Occupants) Act, 1975.

For Petitioner : Mr.J.R.K.Bhavanantham

For Respondents : Mr.S.Kamalesh Kannan,
Government Advocate

O R D E R

(Order of the Court made by M.DURAI SWAMY, J.)

The petitioner has filed the above Writ Petition to issue a Writ of mandamus forbearing the respondents from demolishing the superstructure put up by the petitioner in Plot No.1F, Ethiraj Salai, Egmore, Chennai and forcibly evict the lessee without invoking the provision of Tamil Nadu Public (Eviction of Unauthorized Occupants) Act, 1975.

2.It is the case of the petitioner that she is a lessee under the 2nd respondent in respect of a temporary superstructure measuring an extent of 450 sq.ft. in the Cooum River Margin in the Commander-in-Chief Head, Chennai on a monthly rent of Rs.8/- per 100 sq.ft. The petitioner has been carrying on business in the said premises. Now, the respondents are initiating action for demolishing the superstructure for the reason it was constructed on the Cooum River Margin. Challenging the said action, the petitioner has filed the Writ Petition.

3.When the Writ Petition is taken up for hearing, the learned counsel for the petitioner submitted that instead of going into the merits of the matter, it would be suffice to grant time till 28.02.2019 to the petitioner to vacate and hand over vacant possession to the respondents. The learned counsel also submitted that the petitioner would file an affidavit of undertaking to that effect on or before 21.12.2018.

4.The learned Government Advocate appearing for the respondents has no objection for granting time till 28.02.2019.

5.In view of the submissions made by the learned counsel on either side, we grant time to the petitioner till 28.02.2019 for vacating and handing over vacant possession of the Plot bearing No.1F, Ethiraj Salai, Egmore, Chennai on condition that the petitioner files an affidavit of undertaking on or before 21.12.2018. In the event of the petitioner filing an affidavit of undertaking before the Registry, the same shall form part of the record.

6.With these observations, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

सत्यमेव जयते Assistant Registrar(CO)

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Sub Assistant Registrar

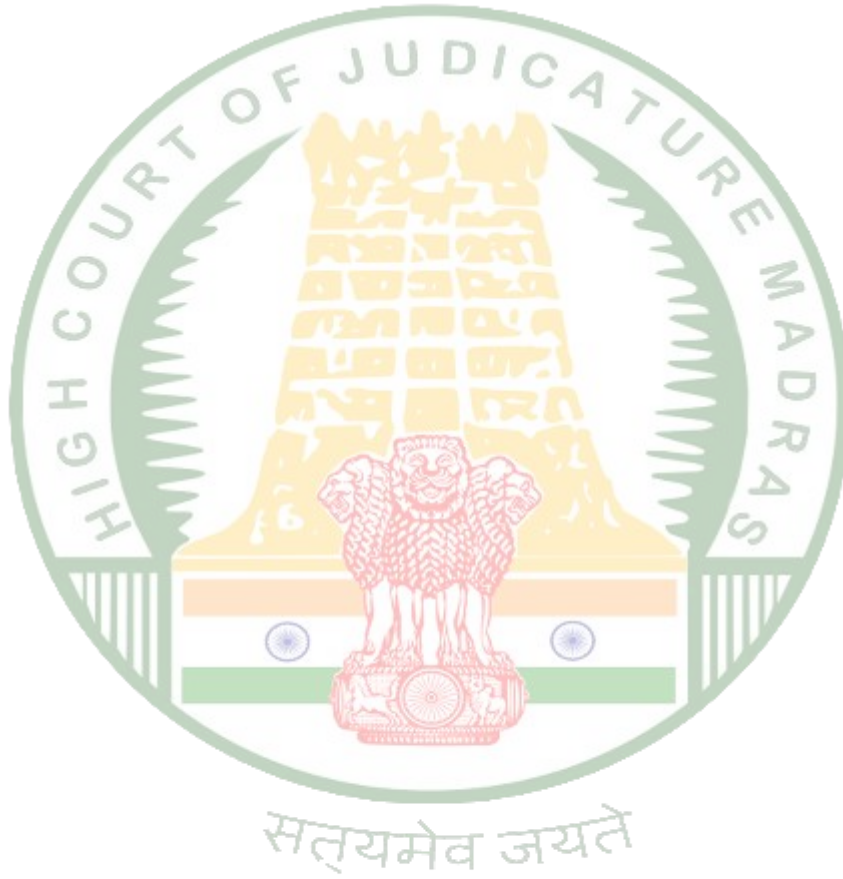
va
To

1.The Secretary,
Government of Tamil Nadu,
Public Works Department,
Fort St. George, Secretariat,
Chennai - 600 009.

2.The Executive Engineer,
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PVS (CO)
CSL/21.12.2018



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