

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2019

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.37182 of 2007
and M.P.No.1 of 2007

J.S.Sreepathy

... Petitioner

Vs

1.The Estate Officer,
Chennai Port Trust,
Rajaji Salai, Chennai-600 001.

2.The Chief Engineer,
Chennai Port Trust,
Rajaji Salai, Chennai-600 001.

3.The Traffic Manager,
Chennai Port Trust,
Rajaji Salai, Chennai-600 001.

4.The District Collector,
Chennai District,
Rajaji Salai, Chennai-600 001.

5.The Tahsildar,
Mylapore-Triplicane Taluk,
Chennai-600 028.

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India seeking for a Writ of Certiorari, calling for the records of the fifth respondent's attachment notice in Ref.No.E2/8230/04, dated 26.11.2007 and quash the same.

For Petitioner : Mr.A.C.Kumara Gurubaran

For Respondents : Mr.P.Saravanan,
Standing Counsel for R1toR3
Mr.B.Anand, for R4 & R5

O R D E R

Heard Mr.A.C.Kumara Gurubaran, learned counsel for the petitioner, Mr.P.Saravanan, learned Standing Counsel for Respondents 1 to 3 and Mr.B.Anand, learned Government Advocate for Respondents 4 and 5 and perused the materials available on record.

2. This writ petition has been filed challenging the demand of arrears of rent at Rs.4,54,501.50.

3. Mr.A.C.Kumara Gurubaran, learned counsel for the petitioner would state that the actual rental arrears was Rs.1,24,000/- and the entire rental arrears was paid during the pendency of the writ petition and the respondents have demanded Rs.3 lakhs towards penalty. It would further submit that the petitioner is ready to make one more representation to the respondents for fresh consideration.

4. Mr.P.Saravanan, learned Standing Counsel appearing for R1 to R3 would state that as per the Land Policy issued by the Ministry of Shipping, the petitioner was directed to pay the penalty and if a fresh representation is given by the petitioner, it would be considered in accordance with law.

5. In the light of the prayer sought for in the writ petition and the submissions made on either side, this Court without going into the merits of the case, directing the petitioner to give a fresh representation to the first respondent by enclosing a copy of this order, within a period of two weeks from the date of receipt of a copy of this order. On such compliance, the first respondent shall consider the same and pass orders on merits and in accordance with law, after providing opportunity of hearing to all necessary parties within a period of two weeks therefrom.

6. With the above direction, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

- 1.The Estate Officer,
Chennai Port Trust,
Rajaji Salai, Chennai-600 001.
- 2.The Chief Engineer,
Chennai Port Trust,
Rajaji Salai, Chennai-600 001.
- 3.The Traffic Manager,
Chennai Port Trust,
Rajaji Salai, Chennai-600 001.
- 4.The District Collector,
Chennai District,
Rajaji Salai, Chennai-600 001.
- 5.The Tahsildar,
Mylapore-Triplicane Taluk,
Chennai-600 028.

+1cc to Mr.P.Saravanan, Advocate Sr.71075
+1cc to Mr.A.C.Kumara Gurubaran, Advocate Sr.70661
+1cc to the Government Pleader Sr.72130

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srg 28/09/2019

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