

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2019

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAIWAMY

W.P. No.5106 of 2019 and
W.M.P.No.5832 of 2019

1.R.Parveen Banu
2.R.Mahmooda

.. Petitioners

Vs.

1.The Greater Chennai Corporation,
rep by the Commissioner,
Ripon Buildings,
Chennai - 600 003.

2.The Assistant Commissioner,
Zonal Office - X,
Greater Chennai Corporation,
No.117, NSK Salai,
Kodambakkam,
Chennai - 600 024.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of certiorari to call for the concerned records relating to the notice 31.01.2019 notice No.Zone 10/ENC/Dn138/1319 & Zone 10/ENC/Dn138/1320 respectively and quash the same.

For Petitioners: Mr.H.Arif Ali

For Respondents: Mr.V.C.Selvasekaran,
Standing Counsel

O R D E R

(ORDER OF THE COURT MADE BY THE HON'BLE CHIEF JUSTICE
AND M.DURAIWAMY, J.)

The petitioner has filed the above Writ Petition to issue a Writ of certiorari to call for the records relating to the notice dated 31.01.2019 issued by the 2nd respondent and to quash the same.

2.The 2nd respondent issued a notice under Section 220 read with 222 of the Chennai City Municipal Corporation Act, 1919 to remove the encroachment made in the land vested with the Greater Chennai Corporation.

3.The learned counsel appearing for the respondents submitted that the petitioners filed a suit in O.S.No.3944 of 2014 on the file of the VII Assistant Judge, City Civil Court, Chennai for permanent injunction restraining the 1st respondent and another from evicting them in any manner except under due process of law. The Trial Court, by the judgment and decree dated 08.09.2015, decreed the suit exparte.

4.When the prayer in the suit itself is for permanent injunction restraining the defendants from evicting the petitioners except under due process of law, the present proceedings initiated by the respondents under Section 220 read with 222 of the Chennai City Municipal Corporation Act is just and proper. When the petitioners have encroached the land which is vested with the Greater Chennai Corporation, we do not find any error in the notice dated 31.01.2019 issued by the 2nd respondent.

5.In such view of the matter, we find no merits in the Writ Petition. Accordingly, the same is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

-s/d-

Assistant Registrar(CS-I)

True Copy

Sub-Assistant Registrar

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To

1.The Commissioner,
Greater Chennai Corporation,
Ripon Buildings,
Chennai - 600 003.

2.The Assistant Commissioner,
Zonal Office - X,
Greater Chennai Corporation,
No.117, NSK Salai,
Kodambakkam,
Chennai - 600 024.

+1 CC to Mr.H.Arif Ali, Advocate sr 17744.

W.P.No.5106 of 2019 and
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KS(CO)
SP(15/03/2019)