

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2019

CORAM:

THE HONOURABLE Mr. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE Mr. JUSTICE N.SESHASAYEE

W.P.No.31188 of 2019
and WMP.Nos.31321, 31324, 31325 & 31326 of 2019

N.Bava .. Petitioner
Vs

1. The Commissioner
Greater Chennai Corporation
Rippon Buildings
Chennai - 600 003.
2. The Zonal Officer
Zone X, No.12, Masilamani Street
T.Nagar, Chennai - 600 017.
3. The Asst. Executive Engineer
Corporation of Chennai
Division 126
Masilamani Street
T.Nagar, Chennai - 600 017.
4. The Member Secretary /
Principal Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Building
Egmore, Chennai - 600 008.
5. The Secretary
Housing and Urban Development Department
State of Tamil ndu
Secretariat, Fort St.George, Chennai - 600 009.
6. M/s.Janapriya Aruldas
Represented by its Managing Director
Mr.Cletus Vincent
No.113/96, 8th Floor, Janpriya Crest
No.96, Pantheon Road
Egmore, Chennai - 600 008.

7. Joseph Cletus ... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the entire records of the fourth respondent CMDA, in issuing the impugned order in their proceedings letter No.EC/C-II/6795/2018 dated 04.07.2019 and quash the same and consequently forbearing the respondents from in any manner interfering in the petitioner's peaceful possession and enjoyment of the property in the ground floor, north western end, Hot and Cold Shop, Chips and Charts in Janpriya Centre, Door No.34, Thiyagaraya Road, Pondy Bazar, T.Nagar, Chennai - 600 017.

For Petitioner : Ms.V.Bagyalakshmi
For Respondents 1 to 3 : Dr.C.Ravichandran
For Respondent No.4 : Mr.P.S.Ganesh
For Respondent No.5 : Mr.E.Manoharan
Additional Govt. Pleader

ORDER

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

The petitioner in the affidavit filed in support of this writ petition would aver among other things that he has entered into an agreement with the seventh respondent on 01.05.1996, in respect of a portion of the property viz., Janpriya Centre, belonging to M/s.Janpriya Builders, having office at No.34, Pondy Bazaar, (Old Door No.61), Sir Thyagaraya Road, T.Nagar, Chennai - 600 017, by means of construction of three Bays in the form of temporary shed at the eastern side of the building. The petitioner claims that he had deposited a sum of Rs.5,00,000/- towards Security Deposit and Rs.10,00,000/- by way of 'pagadi'.

2. Ms.V.Bagyalakshmi, learned counsel appearing for the petitioner would submit that there is an inter se dispute between the respondents 6 and 7, and as a consequence, the seventh respondent, by means of hook or crook, wants to dispossess the petitioner from the place in question and they were successful in persuading the fourth respondent to issue a Lock & Sealing and Demolition Cum De-occupation Notice dated 04.07.2019, the proceeding impugned in this writ petition.

3. The learned counsel appearing for the petitioner would submit though the period of lease-cum-licence agreement has expired and the petitioner deemed to have been in possession of the property, the fourth respondent, without properly looking

into the material of records and without considering the facts and circumstances, had locked and sealed the premises, under the garb of impugned notice dated 04.07.2019, and challenging the legality of the same, a special revision petition/appeal was filed under Section 80-A of the Town and Country Planning Act, 1971 along with a petition for interim relief. It is also the submission of the learned counsel appearing for the petitioner that the Tea & Snacks Stall, run in the said premises has been sealed, and would pray that the Appellate Authority may accord priority and dispose of the appeal, and till such time, the lock and seal put up in the petitioner's premises may be lifted, so as to enable the petitioner to eke for his bare sustenance.

4. This Court, heard the submissions of Dr.C.Ravichandran, learned counsel who accepts notice on behalf of the respondents 1 to3, Mr.P.S.Ganesh, learned counsel appearing for the fourth respondent and Mr.E.Manoharan, learned Additional Government Pleader appearing for the fifth respondent.

5. The learned Additional Government Pleader appearing for the fifth respondent would submit that the special revision/appeal filed by the petitioner has been entertained and remarks have been called for from the fourth respondent.

6. This Court has considered the rival submissions and also perused the materials placed before it.

7. Though the petitioner prays for a larger relief, in the light of the fact that, against the very same Lock & Sealing and Demolition Cum De-occupation Notice dated 04.07.2019, the petitioner had invoked the statutory/appeal remedy before the fifth respondent, this Court directs the fifth respondent to take up the prayer for interim relief first and to give a disposal in accordance with law, within a period of two weeks from the date of receipt of a copy of this order and also can accord priority for the disposal of the main revision/appeal itself.

8. With the above observation/direction, this writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

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To:

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 5. The Secretary
Housing and Urban Development Department
Secretariat, Fort St.George, Chennai - 600 009.
- +1 cc to M/s.P.Bagyalakshmi, Advocate, S.R.No.91935
- +1 cc to M/s.P.S.Ganesh, Advocate, S.R.No.91591
- +1 cc to Dr.C.Ravichandran, Advocate, S.R.No.91565
- +1 cc to the Government Pleader, S.R.No.91798

SJ(CO)
SSM(07/11/2019)

सत्यमेव जयते

W.P.No.31188 of 2019

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