

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.02.2019
CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.28424 of 2018 and
WMP.No.33144 of 2018

S.Neeranjan

Petitioner

Vs

The Defence Estate Officer,
Defence Estate Office,
Madras Circle
307, Anna Salai,
Teynampet, Chennai-600 018.

Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records and to quash the order passed by the respondent on 16.10.2018 in proceedings No:EO/N/228/69/MC and to direct the respondent to permit the petitioner to stay in the premises for a minimum period of 8 months.

For Petitioner : Mr.T.N.Rajagopalan
for Ms.S.V.Banu Priya

For Respondent : Mr.J.Madhanagopal Rao
Central Government standing counsel

O R D E R

The petitioner has come up with this Writ Petition challenging the order passed by the respondent on 16.10.2018 in proceedings No:EO/N/228/69/MC, by which the petitioner was directed to vacate the premises on or before 30.10.2018 and to quash the same with a further direction to the respondent to permit the petitioner to stay in the premises for a minimum period of 8 months.

2. The case of the petitioner is that the petitioner is residing in the premises mentioned in his affidavit for more than four decades. The property is admittedly a cantonment lease land in St.Thomas Mount cum Pallavaram Contonment Board. While so, on 08.10.2018, the respondent issued a show cause notice to the petitioner directing the petitioner to appear before him on 16.10.2018. In response to the same, the petitioner also appeared before the respondent and made his submissions regarding the personal

difficulties involved in vacating the premises. Subsequently, the respondent passed an order on 16.10.2018, directing the petitioner to vacate the premises within fifteen days and fixed the last date on 30.10.2018 to vacate the premises, which was received by the petitioner on 19.10.2018. Challenging the said order, the present Writ Petition has been filed.

3. Heard Mr.J.Madhanagopal Rao, the learned Central Government Standing counsel appearing on behalf of the respondent.

4. In the last hearing, i.e., on 30.01.2019, after making submissions, it was agreed by the petitioner's counsel that the petitioner will file an affidavit stating that he would vacate the premises on or before 30.04.2019, in view of the fact that his father is a senior citizen and his son is studying in 9th standard and in order to complete the academic year, the petitioner requested that he may be permitted to reside till 30.04.2019. He had also agreed to file Affidavit of undertaking today.

5. Today, the petitioner is present before this Court and has filed an Affidavit of Undertaking dated 01.02.2019. In paragraph 8 of the affidavit the petitioner has undertaken to vacate and handover the possession to the respondent on 30.04.2019.

6. Recording the Affidavit of Undertaking dated 01.02.2019, this Writ Petition is disposed of with a direction to the petitioner to vacate the premises along with his family members on or before 30.04.2019 and handover the keys to the respondent as undertaken by him. No costs. Consequently, connected Miscellaneous Petition is closed.

arr

Sd/-

Assistant Registrar(CS vi)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

To
The Defence Estate Officer,
Defence Estate Office,
Madras Circle,307, Anna Salai,
Teynampet, Chennai-600 018

+2ccs to Ms.S.V.Banu Priya, Advocate SR.No. 8713

+1cc to Mr.J.Madhanagopal Rao , Advocate SR.No. 8179

W.P.No.28424 of 2018

A.SK(05/03/2019)