

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2020

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Writ Petition No.3565 of 2020
and W.M.P. Nos.4183 & 4185 of 2020

R.Saraswathi

... Petitioner

Vs

1.Government of Tamil Nadu,
rep. by its Additional Secretary (Technical),
Housing and Urban Development Department,
Fort St. George, Chennai - 600 009.

2.The Member Secretary, CMDA,
Thalamutu Natarajan Maligai,
Egmore, Chennai 600 008.

3.The Commissioner,
Corporation of Greater Chennai,
Rippon Buildings,
Chennai 600 003.

4.Gowri

5.M.Kalyani

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order dated 08.01.2020 made in Letter No.21976/UD-VI(1)/2018-6 passed by the first respondent and quash the same and consequently direct the third respondent not to take any coercive steps of punitive action including putting up superstructure in front of the demised premises, obstructing the ingress and egress to it.

For Petitioner : Mr.K.N.Nataraj

For Respondents: Mr.V.Shanmuga Sundar,
Special Government Pleader
for R1

Mr.Karthik Rajan for R2

Mr.K.Raja Srinivas for R3

O R D E R

[Order of this Court was made by R.SUBBIAH, J]

The writ petition has been filed challenging the impugned Letter No.21976/UD-VI(1)/2018-6 dated 08.01.2020 issued by the first respondent and seeking a direction to the third respondent not to take any coercive steps of punitive action including putting up superstructure in front of the demised premises.

2.When the matter is taken up for consideration, learned Special Government Pleader would submit that the petitioner is only a tenant under the fourth respondent. Since the owner has not chosen to challenge the impugned letter, this petition filed by the tenant challenging the impugned letter is not maintainable.

3.Considering the submission made by the learned Special Government Pleader, we are of the opinion that the writ petition is not maintainable solely on the ground that the petitioner being the tenant has no locus standi to challenge the impugned letter and therefore, the same is liable to be dismissed. Accordingly, the writ petition stands dismissed. Consequently, connected W.M.Ps are closed. No costs.

4.At the time of hearing, learned counsel appearing for the petitioner would submit that the third respondent, taking advantage of the impugned letter, entered into the premises and affixed the seal on the same. Learned counsel informs that the goods, such as rice and pulses etc., which are perishable in nature and belongs to the petitioner tenant, are inside the premises and therefore, a direction be issued to the third respondent to open the premises so that the petitioner can remove the goods.

5. In view of the submission made by the learned counsel appearing for the petitioner, we direct the petitioner to approach the third respondent regarding the removal of goods. In the event of approach, the third respondent is directed to fix a specific date and to intimate the same to the petitioner for removal of goods. After removal of goods, it is for the third respondent to lock the premises.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. Government of Tamil Nadu,
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+1 cc to Mr.K.N.Nataraj Advocate srl2342
+1 cc to Mr.Karthik Rajan Advocate srl2990

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aa19/02/2020