

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2020

CORAM:

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

W.P.NO.32679 OF 2019
AND
W.M.P.NOS.33094 AND 33097 OF 2019

Mr.N.Bava

.. Petitioner

Vs.

1. The Commissioner,
Greater Chennai Corporation,
Rippon Buildings,
Chennai-600 003.
2. The Zonal Officer,
Zonal 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,
Thalambhu Nataraja Building,
Egmore, Chennai-600 008.
5. The Secretary,
House and Urban Development,
The State of Tamil Nadu,
The Secretariat, Fort St.George,
Chennai-600 009.
6. M/s.Janpriya Aruldas,
Represented by its Managing Partner,
Mr.Cletus Vincent, No.113/96, 8th Floor,
Janpriya Crest, No.96, Pantheon Road,
Egmore, Chennai-600 008.

Prayer:-

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the fourth respondent-CMDA not to demolish the property in the ground floor North Western End Hot and Cold shop, Chips and Chats in Janpriya Centre, Door No.34, Thiyagaraja Road, Pondy Bazar, T.Nagar, Chennai-600 017.

For petitioner : Mrs.P.Bagyalakshmi

For respondents : Dr.C.Ravichandran for RR-1 to 3
Mr.P.S.Ganesh for R-4
Mr.K.S.Suresh, Govt. Advocate for R-5
Mr.AR.L.Sundaresan, Senior Counsel
for M/s.AL.Ganthimathi for R-7

ORDER

(The Order of the Court was made by R.Subbiah, J)

The petitioner has filed the above Writ Petition praying for issuance of a Writ of Mandamus to direct the fourth respondent-CMDA not to demolish the property in the ground floor North Western End Hot End Cold shop, Chips and Chats in Janpriya Centre, Door No.34, Thiyagaraja Road, Pondy Bazar, T.Nagar, Chennai-600 017.

2. Earlier, the very same petitioner has filed a Writ Petition in W.P.No.31188 of 2019 praying for issuance of 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 forbear 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 Chats in Janpriya Centre, Door No.34, Thiyagaraya Road, Pondy Bazar, T.Nagar, Chennai-600 017. When the said Writ Petition in W.P.No.31188 of 2019 filed by the same petitioner as against the very same respondents came up for hearing, this Court, by order dated 05.11.2019, directed as follows:

"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."

3. Though more than two months have lapsed, till date, the appeal is not yet disposed of. Sine the main appeal itself is still pending, we are of the view that it would be appropriate to direct the fifth respondent to dispose of the said appeal within time limit. Accordingly, this Court directs the fifth respondent to dispose of the petitioner's main statutory appeal itself, preferably within a period of four weeks from the date of receipt of a copy of this order, on merits and in accordance with law, by affording an opportunity of hearing to the petitioner as well as the other necessary parties and private respondents 6 and 7 herein.

4. With the above observations and direction, this Writ Petition is disposed of. No costs. Consequently, W.M.Ps. are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

CS

To

1. The Commissioner,
Greater Chennai Corporation,
Rippon Buildings,
Chennai-600 003.
2. The Zonal Officer,
Zonal 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,
Thalambhu Nataraja Building,
Egmore, Chennai-600 008.
5. The Secretary,
House and Urban Development,
The State of Tamil Nadu,
The Secretariat, Fort St.George,
Chennai-600 009.

+1cc to Dr.C.Ravichandran, Advocate, S.R.No.3433
+1cc to M/s.AL.Ganthimathi, Advocate, S.R.No.3967
+1cc to Mr.P.S.Ganesh, Advocate, S.R.No.4244
+1cc to the Government Pleader, S.R.No.3918

W.P.No.32679 of 2019

MR(CO)
CS/19/02/2020