

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2021

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN
AND
THE HONOURABLE MRS. JUSTICE T.V. THAMILSELVI

W.P. Nos. 10387, 10388, 10390 & 10391 of 2021
&
W.M.P. Nos. 10969, 10973, 10975 & 10977 of 2021

B. Iyyappan ..Petitioner in W.P. No.10387/2021
Dr. Raghuraman ..Petitioner in W.P. No.10388/2021
B. Nachiyar ..Petitioner in W.P. No.10390/2021
K. Mathiyazhagan ..Petitioner in W.P. No.10391/2021

Vs.

1. The Corporation of Chennai,
rep. by its Commissioner,
Ripon Building, Park Town,
Chennai - 600 003.
2. The Executive Engineer (Zone X),
Greater Chennai Corporation Zonal
Office, Zone-10, No.117,
NSK Salai of Chennai,
Kodambakkam,
Chennai - 600 026.
3. The Assistant Engineer,
Division No.136, Unit 30,
Zone 10, Masilamani Street,
T. Nagar, Chennai - 600 017.
4. Natha Murali Krishna,
No.262, 8th Avenue,
Sea Shore Tower,
E.C. Road,
Panaiyur, Chennai.

..Respondents in all the
Writ Petitions

Prayer: Petitions under Article 226 of the Constitution of India praying for issue of a Writ of Certiorari to call for the entire records of the 3rd respondent in the impugned de-occupation notice Z.O.X/10/00802/2021 dated 12.04.2021 and quash the same.

For Petitioners:: Mr.M. Balasubramanian

For Respondents:: Mr.K. Raja Shrinivas for
R1 to R3

COMMON ORDER

(Order of the Court was made by N. KIRUBAKARAN,J.)

The matters were heard through videoconferencing.

2. The petitioners are tenants in respect of the property at New No. 33, Old No. 13 (Older No.30), Sarojini Street, T. Nagar, Chennai -17. Since construction has been made in violation of the proposed plan, deoccupation notice dated 12.04.2021 was issued as per order dated 25.04.2017 passed in W.P. No. 10517 of 2017. The said order is being challenged before this Court.

3. The petitioners are only occupiers of the property and they cannot challenge the impugned notice. Since the building has been constructed in violation of the approved plan, they have to vacate the premises.

4. Learned counsel for the petitioners, in the last hearing, submitted that some time may be granted to vacate the premises and therefore, this Court suggested to vacate the premises on or before 30.07.2021 and till such time, their possession would not be disturbed on condition that undertaking affidavits have to be filed by the petitioners.

5. When the matters are called today, each one of the petitioners has filed an undertaking affidavit dated 27.04.2021 stating that they will comply with the de-occupation notice dated 12.04.2021 on or before 30.07.2021.

6. Hence, the writ petitions are dismissed recording the undertaking affidavit given by each of the petitioners that they will vacate the premises on or before 30.07.2021 failing which,

the respondents shall take action pursuant to the de-occupation notice. However, it is made clear that till such time, no coercive steps shall be taken against the petitioners. No costs. Connected W.M.P.s are closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

nv
To

1. The Commissioner,
Corporation of Chennai,
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+4 Ccs to Mr.M. Balasubramanian, Advocate sr 26209, 26210, 26211, 26212.

W.P.Nos. 10387, 10388, 10390 &
10391 of 2021

SS (CO)
SP(05/07/2021)

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