

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Monday, the Fifth day of July Two Thousand Twenty One

PRESENT

THE HON`BLE MR JUSTICE R.SURESH KUMAR

W.M.P.No.14569 of 2021

in W.P.No.19920 of 2020

1 V.T.KULOTHUNGAN [PETITIONERS]

2 G.RATHINAM

3 S.ELUMALAI

4 R.SIGAMANI

5 S.LOGANATHAN

6 M.KALIYAMURTHY

7 K.ELAMANDA

8 M.RAJAMANICKAM

9 JAYALAKSHMI RADHAKRISHNAN

10 R.RAMAIYAN

11 K.NAGARAJAN

12 A.ANNADURAI

13 P.RAJENDRAN

14 K.EKAMBRAM

15 T.DASARATHAN

16 K.P.RAMANKUTTY

17 S.R.VISWANATHAN

18 P.KANNAN

19 K.CHANDRAN

20 T.KALAMIMANI

21 F.JAYADAS FERNANDO

22 N.V.PURUSHOTHAMAN

23 M.S.DHANASEKARAN

24 M.ITTIKKAN

25 M.PANDI

26 N.KRISHNASWAMY

27 P.K.RAMAKRISHNAN

28 K.K.GOPAL

29 J.SEBASTIAN

30 A.KANDASWAMY

31 M.RAMASWAMY

32 K.N.SAMPATH

33 S.THANGAVELU

34 R.WILLIAM

35 N.VENKAIAH

36 J.MURUGESAN

37 O.SREEDHARAN

38 P.P.KUNHUNNAI

39 V.GOPINATH NAIR

40 G.KUPPAN

41 S.RAMAKRISHNAN

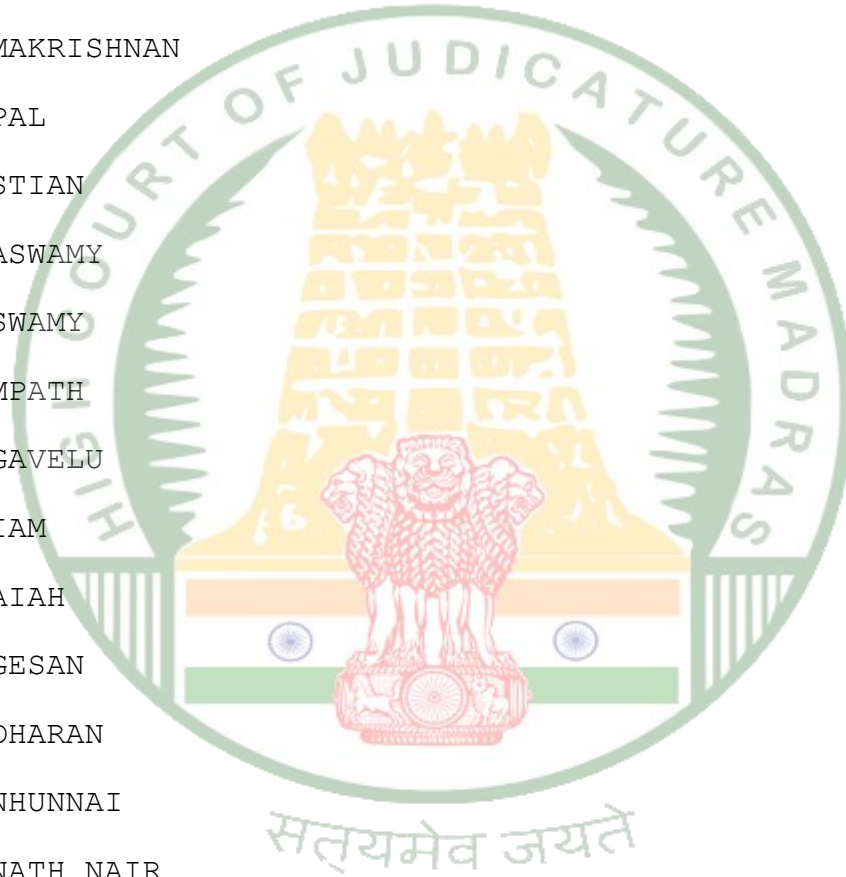
42 V.LEELAMMAL

43 C.PANDURANGAN

44 B.ADIKESVAN

45 L.GOWRI

46 THANGAVALI



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48 MURUGAN

49 I J JOSEPH

50 NAYAZ HUSSAIN

51 TG.PUTTAPPAN

52 M.SUNDRANARYAN

53 A.R.RAVICHANDRAN

54 D.R.THIMMA GOWDA

55 P.V.KOPPAN

56 M.BHASKARAN

Vs

1 THE CHARIMAN CUM MANAGING DIRECTOR, [RESPONDENTS]
IDPL CORPORATE OFFICE, OLD DELHI,
GURGAON ROAD, DUNDAHERA,
GURGAON 122016, HARYANA.

2 THE GENERAL MANAGER IDPL,
TAMIL NADU DIVISION,
NANDAMBAKKAM, CHENNAI.

3 THE SECRETARY TO GOVERNMENT
STATE OF TAMILNADU, INDUSTRIAL DEPARTMENT
FORT ST GEORGE, CHENNAI 600009.

4 THE SECRETARY TO GOVERNMENT
TRANSPORT DEPARTMENT FORT ST GEORGE
CHENNAI 600009.

5 COMMISSIONER OF POLICE,
CHENNAI.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to extend the time limit for vacating the premises by a period of 45 days from 30.06.2021 in WP.No.19920 OF 2020 (in W.M.P.No.14569 of 2021).

Order : This petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.P.WILSON, Senior counsel, assisted by MR.SRINATH SRIDEVAN, Advocate for the petitioners and of MR.S.HAJA MOHIDEEN GISTI, standing counsel on behalf of the 1st & 2nd respondents, the court made the following order:-

This application has been filed seeking for a prayer of extension of time for vacating the premises by a period of 45 days from 30.06.2021.

2. In this context, it is to be noted that, in these batch of cases, on 30.04.2021, this Court has passed the following orders :

"19. Accordingly, this Court is inclined to pass the following order in these miscellaneous petitions :

- a) That these petitioners / ex-employees of IDPL shall vacate the premises, i.e., where they are presently occupying at IDPL Campus at Chennai on or before **30.06.2021**.
- b) The IDPL shall take every effort to monitor the periodical vacating of the quarters / premises by each and every ex-employees who are remaining as well as the petitioners in these miscellaneous petitions on or before the time now has been extended and accordingly file a report to that effect before this Court during the next hearing date, for which the main writ petitions can be called on **05.07.2021**.
- c) It is made clear that, under no circumstances, any further extension of time shall be given to these ex-employees for vacating the quarters and certainly this Court will not hesitate to pass stringent orders to give direction to the IDPL officials as well as concerned police people to take immediate coercive steps to vacate these employees, if they are not vacated on or before **30.06.2021**.
- d) It is further made clear that, in respect of those ex-employees who have not filed these miscellaneous petitions or who are not covered in this batch of orders, i.e., those who have not filed petitions referred to above, this order will not stand in the way for taking further steps to vacate them by IDPL.

20. With the above directions, these miscellaneous petitions are disposed of. List W.M.P.No.10734 of 2021 in W.P.No.32970 of 2003 also for hearing along with the main writ petitions during the next date of hearing ie., on **05.07.2021**."

3. Despite these orders, the petitioners have come out with the present petition again with the same plea that, though some of the petitioners had vacated the premises, remaining could not be vacated and for this, they state the reason that, because of the second wave of COVID-19, the State wide lock down was imposed from the second week of May 2021 and it has come to an end only last week and from this week only, almost normal activities would be permitted to. Therefore, during these period, most of these petitioners were not in a position to find out suitable accommodation to vacate the premises, within the time as has been provided by this Court by the said order, dated 30.04.2021. Therefore, for the said reason, they seek further indulgence of this Court for grant of further 45 days to vacate the premises.

4. In support of the said claim, Mr.P.Wilson, learned Senior counsel, assisted by Mr.Srinath Sridevan, learned counsel appearing for the petitioners made an appeal before this Court that, absolutely there is no merit on the claim made by the petitioners, even on equity ground this Court had shown its indulgence in the earlier occasion and last such order has been passed by this Court on 30.04.2021. Therefore at this juncture, they are not in a position to support the plea raised by the petitioners, however, it is for the Court to show its indulgence purely on equity basis and accordingly, whatever the decision this Court wants to make it, that can be passed, they contended.

5. Mr.S.Haja Mohideen Gisti, learned standing counsel appearing for IDPL has stoutly opposed this petition by stating that, absolutely there is no plausible reason from the petitioners as claimed by them in this petition. He has filed a status report, dated 02.07.2021, where inter alia, the respondent, IDPL has stated the following :

"I submit that I had ascertained the current status of compliance of the order of the Hon'ble Court as detailed below :

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Total No.of petitioners in all 6 petitions	144
Petitioners already evicted till date	34
Petitioners vacated on their own	15
Petitioners who are signatories to 2 petitions	5
Hence petitioners yet to comply and vacate	90 (91 Houses)
Plus - Petitioners in W.P.No.19453	5
Non litigant Ex-employee	1
Others, viz., School, Temple	4
Petitioners to be vacated in due compliance of the order, dated 30.04.2021	<u>100 (101 Houses)</u>
(before 30.06.2021 co-terminating with petitioners granted time by the Hon'ble Court)	
Accordingly I consulted our learned counsel, had detailed discussions and appraised our seniors in Delhi.	

6. By relying upon these averments, the learned standing counsel would submit that, the facts and figures in the affidavit filed in support of this miscellaneous petition on behalf of the petitioners is not correct as very minimum number of occupants alone had vacated the premises between last hearing and today. Therefore the learned standing counsel would submit that, since majority of the petitioners or the occupants have not vacated the premises, as out of 144 totally, still 90 people who are occupying 91 houses have not vacated.

7. I have considered the submissions made by Mr.P.Wilson, learned Senior counsel assisted by Mr.Srinath Sridevan, learned counsel appearing for the petitioner and Mr.S.Haja Mohideen Gisthi, learned standing counsel appearing for the respondent IDPL.

8. Though this Court has absolutely no sympathy on these petitioners, because, though the main issue raised on behalf of them by the IDPL employees union in W.P.No.39270 of 2003 was decided on merits as early as on 03.09.2018, these petitioners had been successfully prolonging this issue for about three years and even after several indulgence has been shown by this Court by various orders giving a very long rope to these petitioners, still number of the occupants including the petitioners have been still squatting on the properties of the respondent IDPL and this action on the part of the petitioners cannot be appreciated.

9. But at the same time, above all, the second wave of COVID-19 situation had been loom large throughout the month of May and part of June 2021, therefore this Court will not loose sight of the said situation. Therefore by taking into account the said COVID-19 situation, but certainly not with the reasons stated by the petitioners consecutively for the past several years even after passing the final order in the year 2018, this Court, purely on the said unforeseen reason of second wave of COVID-19 and the follow up lock down procedure adopted by the State Government, is inclined to grant further 30 days time to the petitioners as a last and final chance to vacate the premises and hand over the key to the respondent IDPL Management. Hence, a further time of 30 days till 06.08.2021 is hereby granted, within which, these petitioners and the remaining occupants of Quarters of IDPL shall vacate and hand over the key to the IDPL Management on or before 06.08.2021- 5 p.m.

10. It is made further clear that, no sympathy on whatever ground shall be shown for any reason beyond 6th of August 2021. For Reporting compliance, post the matter on 09.08.2021.

-sd/-
05/07/2021

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TO

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GURGAON 122016, HARYANA.

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5 COMMISSIONER OF POLICE,
CHENNAI.

Order
in

W.M.P.No.14569 of 2021
in W.P.No.19920 of 2020

Date: 05/07/2021

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
UM(06/07/2021)

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