



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2021

CORAM :

THE HON'BLE MR.JUSTICE N.KIRUBAKARAN
and
THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

W.P.No.13340 of 2020
and
W.M.P.No.16472 of 2020

MBB Group of Hotels,
Rep. By its Managing Partner,
Mr.M.B.Haja Buhari,
Door No.C-59, 'C' Block,
First Main Road, Anna Nagar East,
Chennai - 600 102.

... Petitioner

Vs

1.The Member-Secretary,
Chennai Metropolitan Development Authority,
Egmore, Chennai.

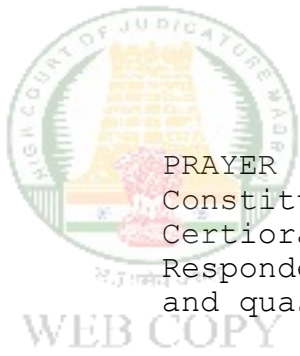
2.The Commissioner,
Greater Chennai Corporation,
Ripon Buildings, Chennai.

3.The Assistant Executive Engineer,
Unit-22, Zonal Office - VIII,
Greater Chennai Corporation,
2nd Street (East), Pulla Avenue,
Shenoy Nagar, Chennai - 600 030.

4.The Assistant Engineer,
Division-101, Zonal Office - VIII,
Greater Chennai Corporation,
2nd Street (East), Pulla Avenue,
Shenoy Nagar, Chennai - 600 030.

5.Dr.N.M.Veeraiyan
6.Mrs.Saraswathy Veeraiyan
7.Dr.V.Deepak Nallasamy

... Respondents



PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance a Writ of Certiorari, calling for the records relating to the 3rd and 4th Respondents Notice No.Zone VIII/TPENF/0023/2020 dated 05.09.2020 and quash the same.

For Petitioner : Mr.K.Sakthivel.

For Respondents: Mr.Karthick Rajan,
Standing Counsel for R1.

Mr.K.Raja Srinivas,
Standing Counsel for R2 to R4.

Mr.P.Wilson, Senior Counsel for
Mr.S.Saravanan for R5 to R7.

O R D E R

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

The matter has been heard through "Video Conference".

2.The Petitioner has come before this Court challenging the stop work notice dated 05.09.2020 issued by the Respondents, by which the Respondents directed the Petitioner to remove the alleged unauthorized construction put up by the Petitioner.

3.It is seen from the records that the Petitioner is the tenant of the premises owned by the Respondents 5 to 7 at Door No.C59, 'C' Block, First main road, Anna Nagar East, Chennai 600 102, where the petitioner's firm is running its Hotel and impugned notice dated 05.09.2020 has been issued stating that the Petitioner has put up unauthorized construction in the said premises.

4.When the matter is called today, an Affidavit has been filed by the Petitioner agreeing to vacate the premises within a period of six months subject to return of the security deposit of Rs.12,50,000/- and statutory deposits made to the tune of Rs.5,00,000/- for Electricity Board at the time of vacating the premises.

5.Heard Mr.K.Sakthivel, Learned Counsel for the Petitioner, Mr.Karthick Rajan, Learned Standing Counsel for the First Respondent, Mr.K.Raja Srinivas, Learned Standing Counsel for the Respondents 2 to 4 and Mr.P.Wilson, Learned Senior Counsel for the Respondents 5 to 7.



6. Admittedly, the Respondents 5 to 7 are the owners of the property and the Petitioner is a tenant in the said property. Since allegation of unauthorized construction has been made against the Petitioner, the Private Respondents wanted the premises back for which the Petitioner has also agreed and filed an Affidavit dated 05.08.2021. Paragraph No.2 of the said Affidavit is extracted as follows:

"2.I say that I will unconditionally vacate the petition schedule premises within a period of six months i.e., the time granted by this Hon'ble Court, subject to return of the security deposit of Rs.12,50,000 and statutory deposits made on behalf of the owner such as sum of Rs.5 lakhs on account of additional deposit to Electricity Board, at the time of vacating the premises."

7. In view of the Affidavit filed by the Petitioner, six months time is granted from 10.08.2021 to vacate and hand over the premises to the Private Respondents on or before 09.02.2022. The Petitioner shall produce the receipts of security deposit of Rs.12,50,000/- and the Private Respondents shall return the said amount to the Petitioner subject to payment of dues under Leave and Licence Agreement between the parties. With regard to the claim for return of Rs.5,00,000/- as additional deposit made on behalf of the owner for Electricity Board, the Petitioner shall get the same from the Private Respondents on production of original records available with him such as statutory deposits made by the Petitioner on behalf of the owner. Further, it is made clear that after vacating the premises on or before 09.02.2022, the Private Respondents shall co-operate with the official Respondents to demolish the unauthorized construction.

8. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The Member-Secretary,
Chennai Metropolitan Development Authority,
Egmore, Chennai.

2.The Commissioner,
Greater Chennai Corporation,
Ripon Buildings, Chennai.

3.The Assistant Executive Engineer,
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Division-101, Zonal Office - VIII,
Greater Chennai Corporation,
2nd Street (East), Pulla Avenue,
Shenoy Nagar, Chennai - 600 030.

+lcc to Mr.Karthick Rajan, Advocate Sr No.38776

+lcc to Mr.R.Gopinath, Advocate Sr No.39166

+lcc to Mr.S.Saravanan, Advocate Sr No.39339

+lcc to Mr.K.Sakthivel, Advocate Sr No.39334

W.P.No.13340 of 2020
and
W.M.P.No.16472 of 2020

SS (CO)
PR (27/08/2021)