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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
AND
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P. NO.16055 OF 2021
AND
WMP.NOS.16967 AND 16968 OF 2021

M.V.Fakruddin Ali Ahmed

.. Petitioner

Versus

1. The Executive Engineer,
Zone 1, Thiruvottriyur,
Chennai 600 019.

2. The Assistant Executive Engineer,
Unit 3, Thiruvottriyur,
Chennai 600 019.

3. The Assistant Engineer,
Division 14, Zonal Officer,
Thiruvottriyur, Chennai 600 019.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus, calling for the records in the order passed in vide Letter No.01/00089/2021, dated 22.06.2021 in pursuant to a lock and seal notice vide letter No.01/01911/2021, dated 21.05.2021 by the respondents and quash both the notices and directing the respondents not to take any coercive action against the petitioner's property bearing No.57, Ennore Express Road, Ondikuppam, Chennai 600019, comprising in Survey No.208/part, Thiruvottriyur Village and Taluk, Thiruvallore District (now comes under Greater Chennai Corporation).

For petitioner : Mr.T.N.Rajagopal
for Mr.K.S.Arivazhagan

For respondents : Mr.K.Raja Shrinivas



ORDER

(The Order of the Court was made by K.KALYANASUNDARAM, J)

The Writ Petition is heard through video conferencing.

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2. This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus to quash the orders of the respondents dated 21.05.2021 and 22.06.2021 and direct the respondents not to take any coercive steps against the petitioner's property.

3. The petitioner would claim that he is the absolute owner of the property bearing Door No.57, Ennore Express Road, Ondikuppam, Chennai 600 019. The property was purchased by his father vide a sale deed, dated 08.09.1982 from one Sri Santhilal Jain and others. It is stated that in the year 1989, his father had constructed a shed to be used as a godown. While so, a lock and seal notice, dated 21.05.2021 and de-occupation notice dated 22.06.2021 were issued to one Saravana Welding Works. It is the case of the petitioner that the said Saravana Welding Works is not in occupation of the said property, but the notices were wrongly sent to them.

4. The learned counsel for the petitioner Mr.T.N.Rajagopal, would argue that the petitioner, who is the owner of the property, was not put on notice, however, the respondents are now attempting to seal the premises.

5. Per contra, the learned Senior Standing Counsel Mr.Raja Shrinivas, appearing for the respondents would state that the notices impugned in this Writ Petition have been rightly served on the person, who was in occupation of the property, viz., Saravana Welding Works. Since the petitioner was not found in the building, authorities have served notices on the tenant. The learned counsel also disputed the title of the petitioner.

6. Heard the rival submissions and perused the materials available on record.

7. In the matter on hand, the petitioner claims to be the owner of the property bearing Door No.57, Ennore Express Road, Ondikuppam, Chennai 600 019. Even according to the respondents, no notice was served on the petitioner and they are said to have been served on the tenant, viz., Saravana Welding Works. However, there is no record to show that Saravana Welding Works is in possession of the property.

8. In the light of the above facts, the orders impugned in this Writ Petition are quashed. However, the respondents are



at liberty to take action against the petitioner in accordance with law.

9. With the above observation and directions, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-IV)

// True Copy //

Sub Assistant Registrar

pvs

To

1. The Executive Engineer,
Zone 1, Thiruvottriyur,
Chennai 600 019.

2. The Assistant Executive Engineer,
Unit 3, Thiruvottriyur,
Chennai 600 019.

3. The Assistant Engineer,
Division 14, Zonal Officer,
Thiruvottriyur,
Chennai 600 019.

+1cc to Mr.D.Kanaga Sundaram, Advocate, S.R.No.52100

+1cc to Mr.K.Raja Shrinivas, Standing Counsel, S.R.No.52092

W.P. No.16055 of 2021

KSM(CO)
RLP(01/11/2021)