



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2021

CORAM:

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

W.P.No.17597 of 2021
and
W.M.P.No.18725 of 2021

J.Jaya .. Petitioner/ Petitioner

Vs.

1. The Executive Engineer, Zone - 15,
Greater Chennai Corporation,
Injambakkam, Chennai.
2. The Assistant Executive Engineer,
Unit-44, Greater Chennai Corporation,
Injambakkam, Chennai.
3. The Assistant Engineer, Division-196,
Greater Chennai Corporation,
Injambakkam, Chennai.
4. The Junior Engineer,
Zone-15, Division-196,
Greater Chennai Corporation,
V.O.C. Street, Injambakkam,
Chennai - 600 115.

5. T.Sheella .. Respondents/Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records and to quash the De-occupation Notice dated 06.08.2021 bearing Letter No.15/00021/2021, issued by the Respondents 1 to 3 for the premises situated at Plot Nos.35 & 36, Old No.116, New No.49, Sree Narayana Nagar, Vettuvankeni, Chennai-600115 and consequently, direct the respondents 1 to 3 to consider the petitioner's application for demolition and reconstruction dated 14.07.2021 in Plan Submission No.OBPA/03/02984/2021, pending consideration before the Corporation of Chennai, in a time bound manner.



For petitioner : Mr.J.Ayyappan

For respondents : Mr.K.Rajasrinivas
Senior Standing Counsel for R1 to R4

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ORDER

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

The De-occupation notice dated 06.08.2021 issued in Letter No.15/00021/2021 by the respondents is under challenge in this writ petition.

2.The petitioner is the lessee while her daughter/T.Sheella, the fifth respondent herein is the owner of the property bearing Plot Nos.35 & 36, Old No.116, New No.49, Sree Narayana Nagar, Vettuvankeni, Chennai. The petitioner would claim that she sublet the land to one M/s 'ABC Achiever's Badminton Club', who had put up a semi-permanent indoor Badminton gaming facility, however, it could not be run because of the objection from one Lalchand. Thereafter, the petitioner's son J.Balaji has decided to run the Badminton Club. But in view of the Covid-19 pandemic, it remained closed for the past 1-1/2 years. When the said Balaji is taking steps to clean the premises, again there was an objection by the said Lalchand. While so, the respondents 1 to 3 have issued a Lock and Seal and Demolition Notice on 06.07.2021 and thereafter, issued the present impugned de-occupation notice.

3.The learned counsel appearing for the petitioner would submit that an application dated 14.07.2021 has been submitted by the fifth respondent to the official respondents seeking permission for demolition and reconstruction of the existing premises and also paid requisite fee. Therefore, until a decision is taken on the application, the respondents have no authority to issue the impugned order. He further added that the petitioner has closed the premises in dispute temporarily.

4.The learned Standing Counsel appearing for the respondents would submit that the first respondent is ready to consider the application submitted by the fifth respondent, the owner of the premises, however, till then, the premises shall not be permitted to be used by the petitioner.

5.Though the petitioner has sought for a larger relief, considering the above-said submissions of the learned counsels, this Court directs the first respondent to pass orders on the application of the fifth respondent, dated 14.07.2021, on merits and in accordance with law, within a period of four weeks from



the date of receipt of a copy of this order. Till then, the petitioner shall maintain status quo as on date.

6. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

skn

To

1. The Executive Engineer, Zone - 15,
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Injambakkam, Chennai.
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Injambakkam, Chennai.
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Injambakkam, Chennai.
4. The Junior Engineer,
Zone-15, Division-196,
Greater Chennai Corporation,
V.O.C. Street, Injambakkam,
Chennai - 600 115.

+1cc to Mr.K.Raja Shrinivas, Advocate Sr No.42118

+1cc to Mr.E.J.Ayyappan, Advocate Sr No.41950

W.P.No.17597 of 2021
and
W.M.P.No.18725 of 2021

SVI (CO)
PR (03/09/2021)