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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2021

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
AND
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.NO.1697/2014
AND
M.P.NO.1/2014

1. N.Kumar (Deceased)
2. K.Malathi ... Appellants
(2nd appellant brought on record as
legal heir of the deceased 1st appellant
vide order dated 10.08.2021 made in CMP.No.12186/2021
in WA.No.1697/2014)

-vs-

1. The Corporation of Chennai
rep. by its Commissioner,
Ribbon Buildings, Chennai-600 003.
2. The Zonal Officer (Zone-XII),
Corporation of Chennai,
Alandur, Chennai-600 016. ... Respondents

Prayer:

Writ Appeal filed under Clause 15 of the Letters Patent
against the Order of the learned Single Judge made in
W.P.No.30610/2014 dated 02.12.2014.

Prayer in W.P.No.30610/2014:

Writ Petition filed under Article 226 of the Constitution of
India praying for a Writ of Certiorari calling for the records
on the file of the 2nd respondent in the Demand Notice In
Ma.a.12th/ Na.Ka No.7666/ 2014 dated 24.10.2014 calling upon
the petitioner to vacate and handover possession the Community
Hall situate at Balakrishnapuram, Second Main Road Adambakkam
Chennai-88



For Appellants : Mr.I.Abrar Md. Abdullah

For Respondents: Mrs.S.Vaitheeswari

JUDGMENT

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(Judgment of the Court was pronounced by T.RAJA.J)

This Writ Appeal has been directed against the impugned order passed in W.P.No.30610/2014 dated 02.12.2014 in and by which the learned Single Judge, while disposing of the Writ Petition, rejected the challenge to the impugned order dated 24.10.2014, calling upon the appellant to vacate and hand over possession of the Community Hall situated at Balakrishnapuram, 2nd Main Road, Adambakkam, Chennai-600 088 and also directed the appellant to furnish full particulars with regard to the booking of the Community Hall and to pay the amount due to the Corporation.

2. When things stood thus, on an earlier occasion, an affidavit dated 23.10.2021 was filed by the 2nd appellant seeking time till the end of April, 2022, to vacate the Community Hall-in-question on the ground that the said Community Hall has been booked for marriages till 15.03.2022 and even advances have been received from the parties concerned.

3. Learned Counsel for the respondents also taking instructions from the respondents placed a letter dated 01.11.2021 addressed by the 2nd respondent to the deceased 1st appellant before this Court stating therein that there has been arrears of a sum of Rs.8,69,467/- to be payable by the 1st appellant and the same has to be cleared by him.

4. In reply, learned Counsel for the appellants stated that as on today, Rs.7,89,547/- is only payable by the legal heir of the deceased 1st appellant, namely, the 2nd appellant herein and she is prepared to pay the same within a time stipulated by this Court.

5. Considering the facts and circumstances of the matter, the 2nd appellant herein is directed to pay the admitted sum of Rs.7,89,547/- (Rupees Seven Lakhs Eighty Nine Thousand Five Hundred and Forty Seven Only) to the respondents, within a period of four weeks from today, failing which, the respondents are entitled to evict the 2nd appellant by moving an appropriate application before the jurisdictional police. Needless to mention that if the 2nd appellant makes the entire arrears amount within a period of four weeks, she shall be allowed to continue till 30.04.2022. The respondents are also entitled to recover the remaining amount, if any, from the 2nd appellant, as



per law.

6. With the above observation and direction, the Writ Appeal is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner,
Corporation of Chennai,
Ribbon Buildings, Chennai-600 003.
2. The Zonal Officer (Zone-XII),
Corporation of Chennai,
Alandur, Chennai-600 016.

W.A.No.1697/2014

SSV(CO)
PM/22/11/2021