



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.09.2021

CORAM:

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

W.P.No.19721 of 2021
and
W.M.P.No.20990 of 2021

Saravanan

...Petitioner

Vs.

1.The Executive Engineer,
Zone-5, Zonal Office, Greater Chennai Corporation,
61, Basin Bridge Road,
Chennai - 21.

2.The Assistant Executive Engineer,
Unit 13, Greater Chennai Corporation,
Rippon Building, Chennai.

3.The Assistant Engineer,
DIV 057, Greater Chennai Corporation,
Rippon Building, Chennai.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Declaration declaring the lock and seal dated 04.09.2021 made by the respondents at 7.00 a.m on the petitioner's premises in Door No.289, Wall Tax Road, Chennai - 3 are illegal and arbitrary and consequently, direct the respondents to remove the lock and seal made on petitioner's premises under facts and circumstances of case in writ.

For petitioners : Mr.P.Ganapathy
For respondents : Mr.K.Raja Srinivas
Standing Counsel



ORDER

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

The petitioner has come up with this Writ Petition to issue a Writ of Declaration declaring the lock and seal dated 04.09.2021 made by the respondents at 7.00 a.m on the premises of the petitioner Door No.289, Wall Tax Road, Chennai-600 003 is illegal and arbitrary and consequently, direct the respondents to remove the lock and seal.

2.The learned counsel appearing for the petitioner would state that a similar action taken by the respondents in the year 2018 was challenged by the petitioner in W.P.No.6433 of 2018 and when the writ petition is pending, the respondents have no authority to lock and seal the premises of the petitioner. It is also contended that before locking and sealing the premises of the petitioner, no show cause notice was issued, no opportunity was given and no detailed order was passed. Hence, the action of the respondents is to be declared as illegal.

3.The learned Standing Counsel appearing for the respondents would state that the petitioner is a lessee under the respondents and after expiry of the lease, proceedings were initiated under the Tamil Nadu Public Premises (Eviction of unauthorised occupation) Act, 1975. The petitioner and other lessees have challenged the order in an appeal and the same was also dismissed in the year 2009. He would further submit that the petitioner has to pay arrears of rent Rs.21,35,859/- for the period from 01.04.1989 to 31.03.2019, but so far no amount has been paid. In pursuance of the order passed on the proceedings initiated under the said Act, the premises of the petitioner has been sealed by the respondents.

4.Heard the learned counsel appearing on either side and perused the materials available on records.

5.It is an admitted fact that the petitioner is a lessee under the respondents and proceedings were initiated under the Tamil Nadu Public Premises (Eviction of unauthorised occupation) Act, 1975 against the petitioner as well as other tenants. The eviction order passed under the said Act has become final since the appeal preferred by the petitioner was dismissed in the year 2009 itself. This action of the respondents is only to give



effect to the order already passed under the said Act. Therefore, we do not find any substance in the contention of the learned counsel for the petitioner and on the other hand, we are of the opinion that this writ petition is abuse of process of law.

6.In the light of the above fact, we find no merit in this writ petition and hence, the same is dismissed with cost of Rs.50,000/-(Fifty Thousand only). Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VIII)

// True Copy //

Sub Assistant Registrar

skn

To

1.The Executive Engineer,
Zone-5, Zonal Office, Greater Chennai Corporation,
61, Basin Bridge Road,
Chennai - 600 003.

2.The Assistant Executive Engineer,
Unit 13, Greater Chennai Corporation,
Rippon Building, Chennai.

3.The Assistant Engineer,
DIV 057, Greater Chennai Corporation,
Rippon Building, Chennai.

+1CC to Mr.K.Raja Srinivas, Advocate, SR.No. 47811

+1CC to Mr.P.Ganapathy, Advocate, SR.No. 48128

W.P.No.19721 of 2021
and
W.M.P.No.20990 of 2021

NRL(CO)
B.VC (13/10/2021)