



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.10.2021

CORAM:

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

W.P. No.20838 of 2021 &
W.M.P.Nos.22107 & 22131 of 2021

Veda Padmapriya

..Petitioner

Versus

1. The Corporation of Chennai,
Rep. by its Commissioner,
Rippon Building, Park Town,
Chennai - 600 003.
2. The Zonal Officer, Zone X,
Greater Corporation of Chennai,
Arcot Road, Kodambakkam,
Chennai - 600 024.
3. Mr.Viswanathan,
Assistant Engineer,
Division No.136, Unit-30, Zone-10,
Greater Corporation of Chennai,
No.12, Masilamani Street,
T.Nagar, Chennai - 600 017.
(Name of R-3, viz., Mr.Viswanathan
is deleted as per order dated 01.10.2021
in W.P.No.20838 of 2021)

4.Natha Murali Krishna

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus to call for the records of the respondents 1 to 3 in their lock and seal and Demolition Notice Letter No.10/00240/2021, and to quash the impugned order dated 22.02.2021 and to consider the petitioner's representation dated 10.06.2021.



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For petitioner

: Mr.M.S.Krishnan
Senior Counsel
For Mr.P.Vennitharan

For respondents

: Mr.K.Raja Srinivas
Senior Standing Counsel
for R1 to R3

Dr.K.Arul for R-4

ORDER

The learned Senior Counsel appearing for the petitioner has agreed to delete the name of the third respondent from the Writ Petition which is filed in personal capacity. Hence, the name of the third respondent, viz., Mr. Viswanathan, is hereby deleted. The Registry is directed to make necessary amendment before issuing the order.

2. The petitioner challenges lock and seal notice and demolition notice issued by the third respondent dated 22.02.2021.

3. The learned Senior Counsel Mr. M. S. Krishnan appearing for the petitioner would submit that the fourth respondent is the life estate holder of the property in dispute, but the official respondents without issuing notice to the petitioner, has proceeded to demolish the alleged unauthorized construction.

4. It is submitted by Dr. K. Arul, learned counsel appearing for the fourth respondent that in respect of the title dispute, the issue is pending before this Court in S.A.No.60 of 2019, in which, the fourth respondent has succeeded before the trial Court as well as the first appellate Court.

5. The learned Senior Standing Counsel appearing for the respondents 1 to 3 Mr. K. Raja Srinivas would state that admittedly the petitioner was not in possession of the property and the persons claiming to be tenants under the petitioner had already filed Writ Petition Nos. 10387, 10388, 10390 & 10391 of 2021 challenging the de-occupation notice, which were dismissed by this Court on 29.04.2021, however, they were given three months time for vacating the place. Subsequently, the petitioner has inducted new tenants.

6. It appears in respect of title over the property, the civil litigations are pending and we neither adjudicate nor render any finding with regard to title in this Writ Petition. However, the fact remains no notice was served on the



petitioner. Considering the grievance expressed by the petitioner and the submissions of the learned Senior Standing Counsel appearing for the respondents 1 to 3, the order impugned in this Writ Petition is quashed. The respondents 1 to 3 are hereby directed to give notice to the petitioner and take further action in accordance with law.

7. With the above direction, the Writ Petition is allowed. There is no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Corporation of Chennai,
Rep. by its Commissioner,
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2. The Zonal Officer, Zone X,
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Greater Corporation of Chennai,
No.12, Masilamani Street,
T.Nagar, Chennai - 600 017.

+2cc to M/s.M.Balasubramaian, Advocate, S.R.No.51464

+1cc to M/s.K.Raja Srinivas, Advocate, S.R.No.51726

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BP(CO)
RGA(14/12/2021)