



W.M.P.No.27153 of 2022

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in W.P.No.18976 of 2022

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R. SUBRAMANIAN, J.
and
K.KUMARESH BABU, J.

(Order of the Court was made by **R.SUBRAMANIAN,J.**)

The petitioner seeks extension of time granted by this Court by order dated 21.07.2022 in W.P.No.18976 of 2022 challenging the de-occupation notice dated 11.07.2022 issued by the Chennai Metropolitan Development Authority accusing the petitioner of using the common space and other areas in violation of sanctioned plan.

2. The petitioner, who was a lessee had not challenged the lock and seal notice issued earlier. When the above writ petition came up for hearing, the learned counsel for the petitioner mainly contended that they need time to shift to a new premises and since the facility is a hospital they needed some more time to vacate. On the above submissions, this Court granted time to the petitioner till 26.10.2022 to vacate.

3. The petitioner has come up with the instant application seeking extension of time by 11 more months stating that it had already entered into a



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development agreement for construction of new building on 09.08.2022. A copy of the development agreement has also been placed before us.

4. Though the learned counsel for the Chennai Metropolitan Development Authority has very serious objection, considering the fact that the petitioner is a hospital and rendering service to people, we find that that we should exercise discretion in favour of the petitioner than in favour of the Enforcement Authority. Taking note of the fact that the petitioner claims to be rendering service to COVID victims and the fact that the petitioner has already entered into an agreement for construction of new building, we deem it fit to extend the time by 11 months from 26.10.2022. Accordingly, this writ miscellaneous petition will stand **allowed**.

5. Mr.AR.L.Sundaresan, learned Senior Counsel appearing for the petitioner would assure us that the petitioner will not come up with another application for extension.

(R.S.M., J.) (K.B., J.)
20.10.2022

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20.10.2022