



WP.No.4739/2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

AND

THE HONOURABLE MR. JUSTICE P.B.BALAJI

WP.No.4739/2023 & WMP.No.4743/2023

Pon.G.Nisha

.. Petitioner

Vs.

1.The Greater Chennai Corporation  
rep.by its Commissioner  
Rippon Building, Chennai-3.

2.The Assistant Engineer  
The Greater Chennai Corporation  
DIV 061, Pudupet, Chennai.

3.The Assistant Executive Engineer  
The Greater Chennai Corporation  
Unit 14, Chennai.

4.The Executive Engineer  
The Greater Chennai Corporation  
Zone-05, Vyasarpadi, Chennai.

5.Mr.P.S.Sivashanmugam  
6.Mr.P.S.Muthukalathesvaran

.. Respondents



WP.No.4739/2023

WEB COPY

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 to 4 to issue notice and give an opportunity before taking any coercive steps in respect of the property of 1<sup>st</sup> floor of the premises bearing Old.No.481/1B, New No.36, Pantheon Road, Egmore, Chennai 600 008 by the consideration of the petitioner's representation dated 10.02.2023.

For Petitioner : Mr.S.Arivazhagan

For RR 1 to 4 : Mr.D.B.R.Prabhu  
Standing counsel

### ORDER

[Order of the Court was made by S.S.SUNDAR, J.,]

- (1) The above writ petition is filed for issuance of a writ of mandamus to direct respondents 1 to 4 to issue notice and give an opportunity before taking any coercive steps in respect of the property of 1<sup>st</sup> floor of the premises bearing Old.No.481/1B, New No.36, Pantheon Road, Egmore, Chennai 600 008 by the consideration of the petitioner's representation dated 10.02.2023.



**WP.No.4739/2023**

WEB COPY

(2) Mr.D.B.R.Prabhu, learned Standing counsel accepts notice on behalf of respondents 1 to 4. Since the writ petition is disposed of at the admission stage, notice to respondents 5 and 6 is dispensed with.

(3) The case of the petitioner is that she is a tenant residing in the premises owned by respondents 5 and 6 on lease basis and she is working as Assistant Manager in a Nationalised Bank and her husband is working in a IT Company. It is her further case that the lease/rental agreement was reduced into writing on 01.10.2022 ; but the said Agreement was an unregistered one. It is stated that on 08.02.2023, respondents 2 to 4 came to the premises of respondents 5 and 6 and locked the ground floor. When they attempted to lock and seal the premises of the petitioner, the petitioner requested them not to lock the premises as no notice was served upon her. However, respondents 2 to 4 directed the petitioner to vacate the premises on or before 13.02.2023. Hence, the petitioner submitted a representation to the respondents on 10.02.2023 requesting the respondents to grant sufficient time to vacate and hand over the



**WP.No.4739/2023**

WEB COPY

portion of the premises. Since the same was not considered, the petitioner is before this Court by filing the present writ petition.

- (4) The learned counsel for the petitioner submitted that the petitioner was not aware of pendency of any proceedings initiated against the landlords/respondents 5 and 6 herein for violation of either the provisions of the Tamil Nadu Town and Country Planning Act, 1973 or for demolition of property for violation of the Building Rules.
- (5) This Court, having regard to the limited scope of prayer sought for by the petitioner in the writ petition and without going into the merits of the same, is of the considered view that respondents 1 to 4 may be directed to give sufficient opportunity to the petitioner to seek alternative accommodation and to restrain them from taking any coercive steps in respect of the building occupied by the petitioner for a reasonable period.
- (6) Learned counsel for the petitioner seeks six weeks time for the petitioner to find out the alternative accommodation.



WP.No.4739/2023

WEB COPY

(7) Believing that the petitioner's representation is true and the petitioner is a bona fide tenant, this Court is inclined to direct the respondents to give a reasonable time for the petitioner to vacate the premises and to seek alternative accommodation upto six weeks. The respondents shall pass orders after holding an enquiry as to the genuineness and bona fides of the petitioner's representation and to consider the same to give reasonable time. The respondents are also directed to pass such orders within a period of two weeks from the date of receipt a copy of this order and **till such time, the respondents shall not take any coercive action as far as the premises in which the petitioner is in occupation.**

(8) The writ petition stands **disposed of accordingly.** No costs. Consequently, connected miscellaneous petition is closed.

[SSSRJ] [PBBJ]

16.02.2023

AP

Internet : Yes



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To

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WP.No.4739/2023

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