



Writ Petition No.12394 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.12394 of 2023

and

W.M.P.Nos.12238 & 12239 of 2023

P.Parasuraman
S/o.Pazhanisamy

... Petitioner

Vs.

1.The Government of Tamil Nadu,
represented by its Secretary,
Local Administration and Municipal Affairs,
Fort St.George, Chennai - 600 009.

2.The Commissioner,
Tiruppur Corporation,
Tiruppur District.

3.The Deputy Commissioner,
Zone No.3,
Tiruppur Corporation,
Tiruppur District.

4.R.Mala
W/o.Giridhar

5.R.Kala
W/o.Ravishankar

6.R.Chandira
W/o.Ramachandiran

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records pertaining to the notice dated 05.04.2023 in Na.Ka.No.E1/824/2022/M3 issued by the third respondent and quash the same.

For Petitioner : Mr.K.Rajendiran

For Respondents : Mr.A.M.Ayyadurai
Government Advocate [R1]
Mr.Abishek Murthy
Standing Counsel [R2 & R3]
Mr.T.Mathi [R4 to R6]

ORDER

This writ petition has been filed challenging the impugned notice issued by the third respondent dated 05.04.2023 wherein the petitioner was directed to vacate and handover the shop within a period of seven days since the Corporation was proceeding further to demolish the property.

2. The case of the petitioner is that he is a lawful tenant of the property and he is running a business under the name and style of 'Cibi Diamond and Jewels'. The further case of the petitioner is that there was landlord-tenant dispute with the private respondents and the petitioner



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has filed a suit in O.S.No.33 of 2023 against the respondents 4 to 6 seeking for permanent injunction not to interfere with the peaceful possession and enjoyment of the subject property unless and otherwise following the due process of law. When this suit was pending, it seems that a representation was made by the landlord to the Corporation to demolish the building on the ground that it is in a dilapidated condition endangering the general public. The grievance of the petitioner is that the landlord was attempting to indirectly evict the petitioner through Tiruppur Corporation when the suit was filed by the petitioner was pending before a competent Civil Court. In the mean time, the impugned notice came to be issued to the petitioner directing the petitioner to vacate and handover possession. Aggrieved by the same, the present writ petition has been filed before this Court.

3. Heard Mr.K.Rajendiran, learned counsel for petitioner, Mr.A.M.Ayyadurai, learned Government Advocate appearing for first respondent, Mr.Abishek Murthy, learned Standing Counsel appearing for respondents 2 and 3 and Mr.T.Mathi, learned counsel appearing for respondents 4 to 6.



4. Learned Standing Counsel appearing on behalf of the Tiruppur Corporation submitted that there are three portions in the property belonging to respondents 4 to 6. Out of those three portions, two portions have already been demolished. The further submission of learned Standing Counsel is that the petitioner is running the shop in the left out portion, which is yet to be demolished. When the Corporation was taking steps, the representation was made by the petitioner pointing out to the pending suit. That apart, the Corporation also wanted to get a stability certificate from the Public Works Department in order to take a decision as to whether the remaining portion should also to be demolished. In view of this development, learned Standing Counsel submitted that the Tiruppur Corporation has taken a decision to keep the impugned notice dated 05.04.2023 in abeyance and not act upon the same.

5. In view of the above development, it will suffice if the submission made by learned Standing Counsel appearing on behalf of the Tiruppur Corporation is recorded since the apprehension raised by the petitioner has been sufficiently answered by the Corporation and no further orders are required to be passed in this writ petition.



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This writ petition is disposed of in the above terms. No costs.

Consequently, connected miscellaneous petitions are closed.

24.04.2023

Note to office: Issue order copy by 25.04.2023

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order
gm

To

1.The Secretary,
Local Administration and Municipal Affairs,
Fort St.George, Chennai - 600 009.

2.The Commissioner,
Tiruppur Corporation,
Tiruppur District.

3.The Deputy Commissioner,
Zone No.3,
Tiruppur Corporation,
Tiruppur District.



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N.ANAND VENKATESH, J

gm

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