



WEB COPY



W.P.No.33889 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

Writ Petition No.33889 of 2022
and
W.M.P.No.33373 of 2022

N.Srinivasan

.. Petitioner

Vs.

1.Chennai Metropolitan Development Authority
Represented by its Member Secretary
No.1, Gandhi Irwin Road
Egmore, Chennai-600 008.

2.The Commissioner
Greater Chennai Corporation
Rippon Buildings
Chennai-600 003.

3.The Zonal Officer
Revenue Department
Zone-09, Greater Chennai Corporation
No.1, Lake Area 4th cross street
Nungambakkam, Chennai-600 034.

4.Fire and Rescue Services Department
Represented by its Director
No.17, Rukmani Lakshmipathy Road
Egmore, Chennai-8.

.. Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the entire records connected with the notice bearing reference No.EC/S-I/8647/2019 dated 17.11.2022 pertaining to premises at No.103, Ground Floor, Dr.Radhakrishnan Road, Mylapore, Chennai-600 004 (No.5, Sivaswamy Salai, Mylapore, Chennai-600 004) issued by the 1st respondent, quash the same as arbitrary and unconstitutional and consequently, direct the 4th respondent to conduct audit following due process of law.

For Petitioner	: Mr.A.K.Rajaraman
For R1	: Mr.C.N.Vinobha
	Standing Counsel
For R2 & R3	: Mr.D.B.R.Prabhu
	Standing Counsel
For R4	: Mr.P.Gurunathan
	Additional Government Pleader

ORDER

(Order of the Court was delivered by V.M.VELUMANI,J.)

Writ Petition is filed challenging the notice bearing reference No.EC/S-I/8647/2019 dated 17.11.2022 pertaining to premises at No.103, Ground Floor, Dr.Radhakrishnan Road, Mylapore, Chennai-600 004 and also at No.5, Sivaswamy Salai, Mylapore, Chennai-600 004 issued by the 1st respondent and consequently, directing the 4th respondent to conduct audit following due process of law.



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2. Heard the learned counsel appearing for the petitioner as well as learned Standing Counsel appearing for the 1st respondent, learned Standing Counsel appearing for the respondents 2 & 3 and the learned Additional Government Pleader appearing for the 4th respondent and perused the entire materials on record.

3. The petitioner is tenant in the premises situate at No.103, Ground Floor, Dr.Radhakrishnan Road, Mylapore, Chennai-600 004 and also at No.5, Sivaswamy Salai, Mylapore, Chennai-600 004. According to the petitioner, he obtained license and is carrying on coffee shop business for more than five years. Landlord of the premises failed to pay property tax. As per the orders of the 3rd respondent, the petitioner paid a sum of Rs.5,11,000/- towards property tax to the 2nd respondent. While so, the petitioner received impugned de-occupation notice dated 17.11.2022.

4. Learned counsel appearing for the petitioner submitted that petitioner has invested huge amount in the business and established good will in the locality. After COVID-19 lock down, only recently the business has been picked up. Learned counsel further submitted that petitioner is looking for alternative site for relocating the business and he has filed an



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affidavit of undertaking to vacate the premises within three months.

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5.Considering the fact that the petitioner has paid portion of the property tax claimed by the respondents due by the landlord and is carrying on business in the said portion of the building for more than five years, the petitioner is granted three months time till 30.04.2023 for vacating the portion under his occupation. Till such time, the respondents are restrained from taking any coercive steps against the petitioner.

6.With the above directions, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

(V.M.V., J) (R.H., J)
09.01.2023
(2/2)

Index : Yes/No
Neutral Citation : Yes/No
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To



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