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W.P.Nos.23541 to 23546 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.23541 to 23546 of 2018
and W.M.P.Nos.27491 to 27496 of 2018

W.P.No.23541 of 2018 :-

A.Jawahar Lal Jain,
Proprietor,
M/s.Jawahar Auto Spares,
No.37, Jayapratha Theater Complex,
General Patteres Road,
Chennai – 600 002.

...Petitioner

-Vs-

1. Greater Corporation of Chennai,
Rep. by its Commissioner,
“Ripon Building”,
Chennai – 600 003.
2. The Assistant Revenue Officer,
Grater Corporation of Chennai,
61, Basin Bridge Road,
Chennai – 600 021.
3. The Executive Engineer,
Greater Corporation of Chennai,
Zonal Office – 5,
61, Basin Bridge Road,
Chennai – 600 021.



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4. The Additional Director General of Police,
& Director of Tamil Nadur Fire
and Rescue Services,
No.17, Rukmani Lakshmipathy Road,
Egmore, Chennai – 600 008.

5. Raja Babu

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for records relating to the notice No.Dn.63/0089/2018 dated 13.08.2018 of the third respondent and quash the same.

In all W.Ps.

For Petitioner	: Mrs.Q.Rubina For Mr.Prakash Goklaney
For Respondents	
For R1 to R3	: Mr.S.Gopinathan Standing Counsel
For R4	: Mr.V.Manoharan Additional Government Pleader

COMMON ORDER

These writ petitions have been filed challenging the notice dated 13.08.2018, issued by the third respondent thereby directing the petitioners to discontinue the occupation of the premises within a period of fifteen days, enabling the third respondent to carry out the demolition in due course.



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2. The petitioners have been carrying on business in one of the shop in the premises bearing Old No.37/4, (New No.75), G.P. Road, Theatre Jayaprada Complex, Mount Road, Chennai – 600 002. The petitioners are tenant under the fifth respondent. While being so, on the request made by the fifth respondent for demolition and reconstruction, the third respondent issued notice to the petitioners to discontinue the possession of the shop.

3. The case of the petitioners is that the fifth respondent, in order to vacate the petitioners, approached the third respondent and caused notice. The petitioners filed suit in O.S.No.2556 of 2018 as against the fifth respondent forbearing him from interfering the possession and enjoyment of the subject premises without due process of law. However, the fifth respondent evaded service of notice and approached the third respondent. Further the shops which are occupied by the petitioners are subsequently constructed and it is not in dilapidated condition.



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4. Heard the learned counsel appearing on either side and perused the materials placed before this Court. Though notice served on the fifth respondent, no one is appeared on behalf of the fifth respondent either in person or through pleader.

5. Considering the above facts and circumstances, the notice issued by the third respondent cannot be sustained and liable to be dismissed. Accordingly, the notices dated 13.08.2018 issued by the third respondent, are hereby quashed. The third respondent is directed to issue notice to the petitioner and the fifth respondent and after conducting due enquiry pass orders on merits and in accordance with law, on the request made by the fifth respondent, within a period of eight weeks from the date of receipt of a copy of this Order.

6. With the above directions, all the Writ Petitions stand allowed. Consequently, connected miscellaneous petitions are closed. There shall be no orders as to costs.

16.08.2024

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No
rts



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