



W.P.No.22417 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

**W.P.No. 22417 of 2024**

**and**

**W.M.P.No.24414 of 2024**

1. T.S.Sridhar

2. S.Sekar

.... Petitioners

Vs

1.The Commissioner  
Greater Chennai Corporation,  
Ribbon Buildings,  
EVR Periyar Salai,  
Chennai-600 003

2. The Commissioner  
Hindu Religious and Charitable  
Endowment Board,  
Mahatma Gandhi Salai,  
Nungambakkam,  
Chennai-600034.

3. The Executive Officer  
Arulmighu Ekambareswara Thirukovil,  
No.315 Mint Street,  
Chennai-600 003.

.... Respondents

**Prayer:-** Writ Petition filed under Article 226 of Constitution of India for  
the issuance of Writ of Certiorarified Mandamus calling for the records



W.P.No.22417 of 2024

relating to Notice U/s. 136 of Tamil Nadu Urban Local Bodies Act 1998  
in letter No. Z.O.V.C. No. / 4508 /2024 dated 05.07.2024 issued by 1<sup>st</sup>  
respondent and quash the same.

For Petitioners : Mr.B.Ullasavelan  
For R1 : Mr.S.Gopinath  
Standing Counsel  
For R2 & R3 : Mr.K.Karthikeyan  
Government Advocate

### **ORDER**

This Writ Petition has been filed challenging the notice dated 05.07.2024 issued by the first respondent under Section 136 of Tamil Nadu Urban Local Bodies Act 1998.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The second petitioner is running a tiffin centre in the name and style of M/s.Ramakrishna Bhavan for the past several years at No.177, Mint Street, Chennai, admeasuring 127 sq.ft. The second petitioner's father entered into an agreement with the third respondent for lease and after his life time, the second petitioner is running the tiffin centre and also paying monthly rent of Rs.10,300/- to the third



W.P.No.22417 of 2024

respondent. While being so, the third respondent filed an application under Section 78 of HR & CE Act in M.P.No.133 of 2022 for eviction before the Joint Commissioner, HR & CE, which is pending. The third respondent influenced the first respondent and issued notice under Section 136 of Tamil Nadu Urban Local Bodies Act 1998 as if the said building is in dilapidated condition and directed the second petitioner to demolish and remove such building within a period of thirty days.

4. The learned counsel appearing for the petitioners would submit that the notice was issued to the first petitioner, he is noway connected with the said shop. The second petitioner's father entered into an agreement and after his life time, the petitioner is running Ms/.Ramakrishna Bhavan for the past several years. He also produced the photographs to show that the second petitioner is running the tiffin centre. In order to evict the second petitioner, the third respondent approached the first respondent and caused the impugned notice under Section 136 of Tamil Nadu Urban Local Bodies Act 1998. On receipt of the same, the second petitioner also submitted a detailed objections on 12.07.2024.

5. A perusal of the petition filed by the third respondent



W.P.No.22417 of 2024

under Section 78 of HR & CE Act in M.P.No.133 of 2022, it is seen that the second petitioner and another are encroachers. They failed to pay rent and there were arrears of rent till 31.03.2022 for a sum of Rs.46,892/-. They also failed to pay rent for further months. Though the petitioners submitted that the second petitioner is regularly paying the rent, he failed to produce any receipt to show that the second petitioner paid rent to the third respondent. However, the eviction proceedings and the notice issued by the first respondent is distinct proceedings and noway connected to each other.

6. Admittedly, the subject building is aged about more than 75 years and it is in dilapidated condition. Therefore, the first respondent, being an authority, inspected the building and states that it is dangerous to public. Therefore, the first respondent issued notice under Section 136 of Tamil Nadu Urban Local Bodies Act 1998. On receipt of such notice, the second petitioner submitted a detailed objections and it is pending on the file of the first respondent.

7. Considering the facts and circumstances of the case, the first respondent is directed to conduct enquiry, after issuance of notice to



W.P.No.22417 of 2024

the petitioners as well as the third respondent on the objections raised by the petitioners and pass appropriate orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

8. With the above direction, this writ petition stands disposed of. Consequently, connected miscellaneous petition is closed.  
No costs.

05.08.2024

Internet : Yes  
Index : Yes/No  
Speaking/Non-speaking order  
Neutral Citation : Yes/No  
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To

1.The Commissioner  
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Ribbon Buildings,  
EVR Periyar Salai,  
Chennai-600 003

2. The Commissioner  
Hindu Religious and Charitable Endowment Board,  
Mahatma Gandhi Salai, Nungambakkam,  
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W.P.No.22417 of 2024

**G.K.ILANTHIRAIYAN, J.**

Lpp

3. The Executive Officer  
Arulmighu Ekambareswara Thirukovil,  
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W.P.No.22417 of 2024

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