



WEB COPY



W.P.No.28083 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2024

CORAM :

THE HON'BLE MR.D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.No.28083 of 2024

S.RAJENDRAN

.. Petitioner

Vs

1. THE MEMBER SECRETARY
CHENNAI METROPOLITAN DEVELOPMENT AUTHORITY,
GANDHI ERWIN ROAD, EGMORE, CHENNAI.
2. THE ZONAL OFFICER
ZONE-VIII, GREATER CHENNAI CORPORATION,
PULLA AVENUE, SHENOY NAGAR,
CHENNAI-600 030.
3. THE EXECUTIVE ENGINEER
ZONE-VIII, GREATER CHENNAI CORPORATION,
NO.36-B/12-B, PULLA AVENUE,
SHENOY NAGAR, CHENNAI-600 030.
4. THE ASSISTANT EXECUTIVE ENGINEER
UNIT-22, OLD DIVISION 100
NEW DIVISION-103, 36-B/12-B,
PULLA AVENUE, SHENOY NAGAR,
CHENNAI-600 030.
5. V.KUMAR

.. Respondents



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Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing respondents 2 to 4 not take any enforcement action in view of the notice of De-occupation dated 6.9.2024 in Notice No.Ma.A.08.Na.Ka.No./6842/2024 as against the petitioner's premises situated at Door No.155/6, N.M.K.street, Ayanavaram, Chennai-600 023.

For the Petitioner : Mr.S.Santhan

For the Respondents : Mr.C.Manoharan
Standing Counsel
for 1st respondent

: Mrs.Aswini Devi
Standing Counsel
for respondents 2 to 4

ORDER

(Order of the Court was made
by the Hon'ble Acting Chief Justice)

Assailing the de-occupation notice dated 6.9.2024 issued by the third respondent directing the petitioner to vacate from the writ subject premises within seven days, the present writ petition is filed.

2. When the matter was taken up for hearing, Mrs.Aswini



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Devei, learned Standing Counsel appearing on behalf of the respondent/Corporation, submitted that the impugned notice was issued in compliance of the order dated 18.6.2024 passed in W.P.No.5819 of 2024 by a Division Bench of this Court. In the said writ petition, challenge was made by the petitioner to the earlier de-occupation notice dated 1.2.2024.

3. It is not in dispute that the impugned notice dated 6.9.2024 was issued in compliance of the order dated 18.6.2024 passed in W.P.No.5819 of 2024. In the said order, the Division Bench categorically observed that the official respondents may proceed to demolish only that portion of the building which is constructed in violation of the building permission obtained by the petitioner. The said order has become final and no appeal has been preferred as against the same.

4. When the challenge to the earlier de-occupation was dismissed by the Division Bench and the same has become final, the present writ petition filed once again challenging the de-occupation



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notice issued pursuant to the aforesaid order, cannot be entertained.

The writ petition is dismissed. There shall be no order as to costs. Consequently, W.M.P.No.30638 of 2024 is closed.

(D.K.K., ACJ.) (P.B.B, J.)
20.09.2024

Index : Yes/No
NC : Yes/No
sasi

To:

1. THE MEMBER SECRETARY
CHENNAI METROPOLITAN DEVELOPMENT AUTHORITY,
GANDHI ERWIN ROAD, EGMORE, CHENNAI.
2. THE ZONAL OFFICER
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THE HON'BLE ACTING CHIEF JUSTICE
AND
P.B.BALAJI, J.

(sasi)

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