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C.R.P.No.3951 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.09.2024

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THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

C.R.P.No. 3951 of 2024

and

C.M.P.No.21611 of 2024

C.Sivagnanam

... Petitioner

Vs.

1.The Administrative Commander
Station Head Quarters
Fort St.George, Chennai – 600 001.

2.The Estate Officer,
Station Head Quarters,
Fort St.George, Chennai – 600 001.

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India praying to pass an order of direction to dispose of I.A.No.1 of 2024 in PP.CMA.No.33 of 2024 on the file of the Principal City Civil Court Judge, Chennai.

For Petitioner : Mr.K.V.Sajeev Kumar

For Respondents : Mr.A.Kumaraguru



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ORDER

This Civil Revision Petition is filed at the instance of the appellant in C.M.A.No.33 of 2024.

2. Heard Mr.K.V.Sajeev Kumar, learned counsel for the petitioner and Mr.A.Kumaraguru, learned counsel for the respondents.

3. The petitioner has been running a Canteen under the name and style of 'Saapida Vaanga'. His father is a freedom fighter and the first respondent had allotted a premises to him for the purpose of running the said Canteen. Proceedings had been initiated in the year 2012 seeking for eviction of the Civil Revision Petitioner from the said suit schedule mentioned property invoking the provisions of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971. The eviction petition was allowed. An appeal preferred there from was dismissed. The petitioner preferred a revision before this Court in C.R.P.No.2892 of 2014. The said revision was allowed on 11.04.2018 and the matter was remitted to the Estate Officer for fresh consideration. Thereafter, orders were passed directing the petitioner to pay



additional sums towards damages. During the time when this nation was affected by COVID-19, the first respondent called upon the petitioner to pay a sum of Rs.22,00,000/- as arrears. Pleading that no amounts are due, the petitioner resisted the same.

4. The petitioner filed a writ petition before this Court in W.P.No.15268 of 2021 pleading that he should not be evicted from the premises, except otherwise in accordance with law. The said writ petition came to be disposed of with a direction that appropriate action will be taken in accordance with law, after the disposal of the writ petition filed by the other occupants in the neighbouring buildings. Even at that stage, it was a clear and categorical case of the first respondent that the building is unfit for occupation by any person and that it required demolition.

5. Be that as it may, the writ petitions filed by the neighbouring occupants came to be dismissed by this Court on 03.06.2024. Subsequently, the petitioner filed another writ petition in W.P.No.18173 of 2024, which also came to be disposed of on 04.07.2024. Thereafter, eviction proceedings were initiated by the second respondent which resulted in an order of eviction on 09.09.2024.



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6. Aggrieved by the same, the Civil Revision Petitioner has preferred an appeal in C.M.A.No.33 of 2024 before the learned Principal Judge, City Civil Court at Chennai.

7. The cause of action for the present Civil Revision Petitioner is that he took out an application for stay of the order in I.A.No.1 of 2024. The learned Appellate Judge, without taking note of the fact that the orders of eviction had already been passed against the Civil Revision Petitioner, had issued notice and not granted any interim order. Feeling aggrieved, the present Civil Revision Petitioner.

8. It is not in dispute that an appeal has been preferred against the order of eviction dated 09.09.2024. If an order of eviction is not kept in abeyance pending disposal of the statutory appeal, the very purpose of preferring the appeal, would become infructuous.

9. This Court in **Shanthi Theatre Vs. The Joint Commissioner-1, Land Administration [1990 (2) Law weekly 665]** and **A.Natrajan Vs. Commissioner for Land Administration [1996 (2) Law weekly 553]** has



taken a view that if an interim order is not granted pending disposal of an appeal preferred against the order of evictions, the appeal would be rendered otiose.

10. In the light of the above judgments of this Court, this Civil Revision Petition is disposed of on the following terms :

(i) The order of eviction passed by the second respondent dated 09.09.2024 against the Civil Revision Petitioner shall be kept in abeyance till 31.10.2024.

(ii) The Principal Judge, City Civil Court, Chennai shall dispose of the said appeal on or before 25.10.2024.

(iii) The respondents shall produce the original records before the learned Principal Judge, City Civil Court, Chennai on 30.09.2024.

(iv) Mr.K.V.Sanjeevkumar would submit that the appeal is listed for hearing on 22.10.2024. The learned Principal Judge, City Civil Court, Chennai is requested to advance the hearing of the said appeal from 22.10.2024 to 30.09.2024. On the date when the records will be received. The learned Judge will fix the date for hearing of the appeal and shall proceed day-to-day.



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(v) The learned Judge shall not grant unnecessary adjournments either to the appellant or to the respondents. He shall ensure compliance of this order and shall dispose of the appeal on or before 31.10.2024.

(vi) There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

11. The learned Principal Judge, City Civil Court, Chennai is requested to act upon the web copy of this order and not insist on the production of a certified copy.

25.09.2024

Index: Yes/No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

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V.LAKSHMINARAYANAN, J

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