



W.P.No.25028 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2025

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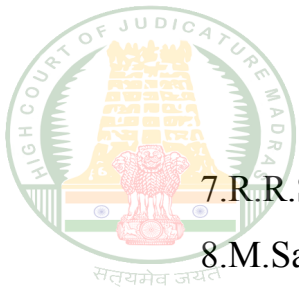
THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.25028 of 2014
and W.M.P.Nos.1 to 3 of 2014

- 1.R.Tamil Selvam @ R.T.Selvam
- 2.K.Mathiazhagan
- 3.V.C.Mallinathan
- 4.R.T.Kamaleshkumar ... Petitioners

Vs.

- 1.The Commissioner,
Corporation of Chennai,
Rippon Building, Chennai.
 - 2.The Assistant Executive Engineer (T.P.),
Zone No.5,
Corporation of Chennai,
Chennai.
 - 3.The Assistant Commissioner of Police,
North Beach Road,
Chennai – 600 001.
 - 4.The Inspector of Police,
C-5 Kothavalchavadi Police Station,
Chennai – 600 001.
 - 5.Vasantha
 - 6.M.P.Suresh Narayana
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7.R.R.Saraswathy

8.M.Sakunthala

9.M.R.Rangiah Chetty

10.M.P.Indira

11.M.K.Vishwanathan

12.M.K.Vishweshwariah

13.M.K.Dwarakanath

14.R.Amuruthalu Amma

15.P.V.Anushuya

16.M.N.Amara Narayanan

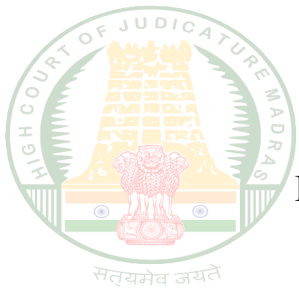
... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorari calling for the records pertaining to the Planning Permission dated 25.06.2014 bearing Reference No.W.D.C No.DA/WDC No.5/0071/2014 issued in favour of eleventh respondent M.K.Viswanathan for the demolition of the existing building at Door No.97, New No.26, Block No.54, Acharappan Street, George Town, Chennai – 600 001 by the second respondent Assistant Executive Engineer (T.P.) and quash the same.

For Petitioners : Mr.P.T.Perumal

For Respondents 1 & 2 : Mr.S.Gopinathan,
Standing Counsel

For Respondents 3 & 4 : Mr.R.Kishore Kumar
Government Advocate



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For Respondents 6, 7, 11 : Mr.S.L.Sudarsanam

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ORDER

The petitioner has filed this petition to call for the records pertaining to the Planning Permission dated 25.06.2014 bearing Reference No.W.D.C No.DA/WDC No.5/0071/2014 issued in favour of eleventh respondent M.K.Viswanathan for the demolition of the existing building at Door No.97, New No.26, Block No.54, Acharappan Street, George Town, Chennai – 600 001 by the second respondent Assistant Executive Engineer (T.P.) and quash the same.

2. The case of the petitioners is that they are the proprietors of Sree Kugan Parcel Service, M/s. Walajah Lorry Service, M/s. Mahaveer Lorry Service, and M/s. Sri Kugan Lorry Service, are registered members of the Chennai Parcel Lorry Owners Welfare Association and have been tenants in commercial shops measuring 500 sq.ft., 1500 sq.ft., 400 sq.ft., and 1500 sq.ft., respectively, situated within a 9000 sq.ft. property at No.97, Acharappan Street, Chennai. The building originally belonged to Late Krishnamoorthy Chettiyar, and his legal heirs (Respondents 5 to 16) have



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been regularly collecting rent from the Petitioners. Despite regular payment

of rent and possession of documents such as property tax receipts, EB cards,

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and membership certificates confirming their tenancy, the petitioners and

other tenants have been subjected to illegal eviction threats by the 11th

respondent, Viswanathan. He has allegedly used force, disconnected

essential services, and approached authorities to seek demolition of the

premises. The petitioners contend that Viswanathan obtained demolition

orders and police protection through W.P.Nos.28011/2013 and 22742/2014

by suppressing material facts, including the existence of lawful tenants and a

pending civil injunction suit. Further, demolition notices were affixed on the

premises without proper official seals or prior notice to the tenants. Though

representations were made to the Corporation and the Police Department, the

petitioners allege bias and collusion in favor of the 11th respondent. As the

shops house valuable goods and employ approximately 30 workers, the

petitioners seek urgent relief under Article 226 of the Constitution of India to

prevent irreparable injury to their livelihood and fundamental rights.

3. Though many grounds have been raised in this writ petition, learned counsel for the petitioners prayed this Court to permit the petitioners to give



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fresh joint representation before the respondents 1 & 2, within a time frame to be fixed by the Court.

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4. Learned standing counsel appearing for the respondents 1 & 2 has no objection for the said order being passed by this Court.

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

6. Considering the limited relief sought for by the learned counsel for the petitioners, this Court without going into the merits of the case issues the following directions:

(i) The petitioners are directed to give a fresh joint representation to the respondents 1 & 2 by enclosing all the relevant documents including a proof to substantiate that they are the tenants of the subject matter property, within a period of two weeks from the date of receipt of a copy of this order;

(ii) On such receipt, the second respondent is directed to consider the same, after giving due notice to the petitioners as well as respondents 5 to 16,



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affording an opportunity of personal hearing and considering the documents filed by both the parties on merits, in accordance with law and pass appropriate orders, within a period of eight weeks thereof.

(iii) There shall be an order of status quo as on date, till the disposal of the joint representation of the petitioners by the second respondent.

7. This writ petition is disposed of with the aforesaid observation and directions. No costs. Consequently, connected miscellaneous petitions are closed.

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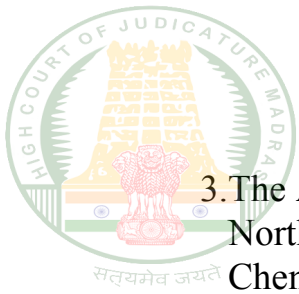
Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

To:

1.The Commissioner,
Corporation of Chennai,
Ribbon Building, Chennai.

2.The Assistant Executive Engineer (T.P.),
Zone No.5,
Corporation of Chennai,
Chennai.

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3.The Assistant Commissioner of Police,
North Beach Road,
Chennai – 600 001.

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4.The Inspector of Police,
C-5 Kothavalchavadi Police Station,
Chennai – 600 001.

J.SATHYA NARAYANA PRASAD,J.

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