



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-03-2025

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THE HONOURABLE MR JUSTICE J.SATHYA NARAYANA PRASAD

WP No.25840 of 2022

and

WMP Nos.24909, 24911 & 24912 of 2022

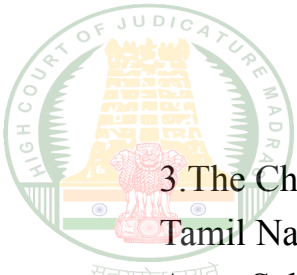
Sri Rag Snack Bar
Rep. by its Sole Proprietor
P.A.Mohanan,
Door No.79, Plot No.3417, H Block,
Second Main Road,
Aringar Anna Nagar,
Chennai-600 102.

Petitioner(s)

Vs

1.The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai-600 003.

2.The Managing Director,
Chennai Metro Water Supply and Drainage Board,
5, Santhome High Road, Pattinapakkam,
Santhome, Raja Annamalai Puram,
Chennai, Tamil Nadu-600 028.



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3.The Chairman,
Tamil Nadu Electricity Board,
Anna Salai, Chennai-02.

4.Nalinidevi
W/o.late.srinivasan,
2/34, Tamil Vedhi, Padmanaban Nagar,
Choolaimedu, Chennai-94.

5.Kumari Loganathan,
No.2/34, Tamilar Street,
Padmanabha Nagar, Chennai-94

6.L.Homana Devi,
No.2/34, Tamilar Street,
Padmanabha Nagar, Chennai-94.

7.L.Thulasi Rajan,
No.2/34, Tamilar Street,
Padmanabha Nagar, Chennai-94.

Respondent(s)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, restraining the respondents 1 to 3 from granting any permission aiding respondents 4 to 7 in illegally demolishing the remaining structure at Door No.79, Plot No.3417, 'H' Block, Second Main Road, Arignar Anna Nagar, Chennai-600 102, and to restore the sewage, metro water supply and Electricity



connection to its permanent in the aforesaid premises and pass such further orders.

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For Petitioners : A.Alluri Lakshmi Narayanan

For R1 : Mr.E.C.Ramesh,
Standing Counsel

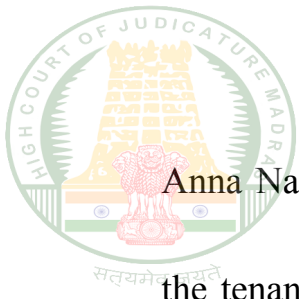
For R2 : M/s. K.Vasanthamala,
Standing Counsel

For R4 to R7 M/s. R.Rajesh Vivekananthan,

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, restraining respondents 1 to 3 from granting any permission aiding respondents 4 to 7 in illegally demolishing the remaining structure at Door No.79, Plot No.3417, 'H' Block, Second Main Road, Arignar Anna Nagar, Chennai-600 102, and to restore the sewage, metro water supply and electricity connection to its permanent in the aforesaid premises.

2. The petitioner is running a tea shop in the name of Sri Rag Snack Bar on rent at Door No.79, Plot No.3417, "H" Block, Second Main Road, Arignar



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Anna Nagar, Chennai 600 102 for about three decades. The petitioner became the tenant for the said shop premises under Mr.M.A.Selvam in the year 1994, who was the builder of the premises and was on a long term lease of the said premises with the original owner, Dr.Loganathan. After the expiry of the said lease and demise of said Dr.Loganathan, the petitioner entered into a fresh lease agreement with his first wife, Mrs.Prema Loganathan and the second wife, Mrs.Kumari Loganathan, the 5th respondent herein, in the year 2003 and has been running the tea shop in the said premises till date. After the demise of the first wife of the said Dr.Loganathan, the 5th respondent and her two children, viz., son and daughter, who are the 6th and 7th respondents herein, became the owners of the shop premises, and the premises is managed by their Power of Attorney Agent, Mrs.Nalini Devi, the 4th respondent herein. The 4th respondent under the instructions of respondents 5 to 7, has been persistently demanding all the tenants to vacate the property with immediate effect. In fact, they had filed a Rent Control Original Petition viz., RCOP.No.1111 of 2014 on the file of XV Small Causes Court, Chennai, seeking the eviction of the petitioner shop, but the same was dismissed.



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3. Learned counsel appearing for the petitioner would submit that respondents 4 to 7, after getting vacant possession of the adjacent building to the one where the petitioner and the other tenants are running business seem to have now obtained permission from the 1st respondent to demolish the structure by giving false information. The petitioner and other tenants were not put on notice or intimated about the proposed demolition. The respondents have started demolishing the other building adjacent to the one where the petitioner is running a tea shop. As a prelude to the demolition, respondents 4 to 7 have already severed/disconnected the drainage system. They have also transferred the permanent EB connection to a temporary post. Because of severing the drainage connection, the petitioner is not able to discharge the sewage water from his shop, and the sewage water is flooded near the shop.

4. Learned counsel would further submit that the act of the respondents in disconnecting the sewage connection and the imminent threat of disconnection of the electricity supply is illegal and unlawful, and they have also severed the metro water connection to the said premises. Ignoring the petitioners' possession

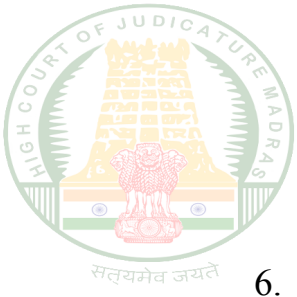


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and running a tea shop on the premises, the statutory authorities seem to have passed adverse orders having huge implications on the petitioner's right to do business of his choice. The respondents 4 to 7 are bent upon demolishing the property under one pretext or another with the help of respondents 1 to 3 and illegally evicting the petitioner and similarly placed tenants of the property being the subject matter of this Writ Petition. Aggrieved by the same, the present writ petition is filed.

5. Learned counsel appearing for the petitioner would submit that when the matter was came up for admission on 27.09.2022, this Court was pleased to grant an order of interim injunction, and the relevant portion is extracted hereunder:

“5. In such circumstances, there shall be an order of interim injunction restraining the Fourth to Seventh Respondents from demolishing any part of the structure in the building without eviction of all the tenants including the Petitioner by due process of law until further orders. It shall be incumbent upon the First Respondent to ensure compliance in that regard and take necessary action against those concerned for any violation of the said condition in the demolition order placed on record. The Second Respondent shall ensure that sewerage and metro water supply is not affected for the property



in occupation of the Petitioner in this case.”

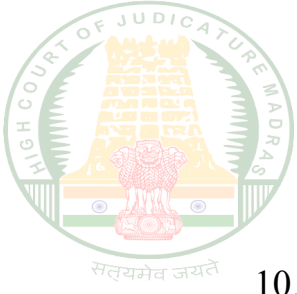
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6. Learned counsel submitted that in view of the above interim order passed by this Court on 27.09.2022, water connection, sewage connection, and electricity connection were also restored.

7. It is further submitted that there are many tenants in the said premises, and the petitioner has filed RLTOP.No.235 of 2024 on the file of the XV Small Causes Court, Chennai, and the same is pending.

8. Learned standing counsel appearing for the 2nd respondent would submit that pursuant to the order passed by this Court on 27.09.2022, the water, sewerage, and electricity connection has been restored. Learned standing counsel further submitted that subject to the outcome of the case in RLTOP No.235 of 2024, further action has been initiated in regard to the demolition of the building by the 1st respondent.

9. Heard both sides and perused the materials available on record.



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10. In view of the above facts and circumstances of the case, the 1st respondent is directed to initiate the demolition proceedings of the building subject to the outcome of the case in RLTOP No.235 of 2024, and all the tenants are evicted from the said premises.

In the result, **the writ petition stands disposed of with the above observations and direction.** No costs. Consequently, connected miscellaneous petitions are closed.

03-03-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

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Ripon Buildings, Chennai-600 003.

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5, Santhome High Road,
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3.The Chairman
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