



W.P.No.34023 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 16.04.2025**

**CORAM :**

**THE HONOURABLE MR. JUSTICE J. SATHYA NARAYANA PRASAD**

**W.P.No.34023 of 2024**  
**and WMP.No.36845 of 2024**

Anthony Prabhakaran

.. petitioner

**vs**

1.The Commissioner  
Greater Chennai Corporation  
Zone 5, Royapuram  
Rippon Building, Park Town,  
Chennai – 600 003.

2.The Assistant Engineer  
Division 59  
Greater Chennai Corporation  
No.2, Memorial Hall Road, Park Town  
Chennai – 600 003.

3.Mrs.Gowri

4.Mrs.R.Maheshwari

5.Mrs.Vijayakumari

... Respondents



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**Prayer** : Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari to call for the records relating to notice issued under Section 136 of the Tamil Nadu Urban local bodies Act, 1998 in letter No.Z.O.V.C.No./2916/2024 dated 16.09.2024 issued by the 1<sup>st</sup> respondent and quash the same.

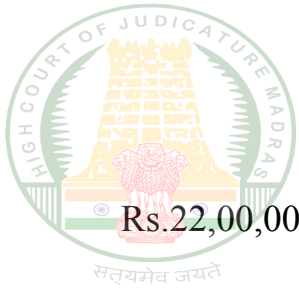
For Petitioner : Mr.J.Kingsly Solomon

For Respondents : Mr.S.Gopinathan, Standing Counsel for R1 and R2.  
Mr.V.Ravi for R3 to R5.

### **ORDER**

This writ petition has been filed to to call for the records relating to notice issued under Section 136 of the Tamil Nadu Urban local bodies Act, 1998 in letter No.Z.O.V.C.No./2916/2024 dated 16.09.2024 issued by the 1<sup>st</sup> respondent and quash the same.

2. The petitioner is the tenant under respondents 3 to 5 who are the joint owners of the property as per the agreement dated 12.11.2009 and paid a sum of



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Rs.22,00,000/- as rental advance and also paid a sum of Rs.25.239 on 19.07.2024, WEB Rs.24,037/- on 30.07.2024 and Rs.24,000/- on 01.08.2024 towards the property tax

for the building on behalf of the owners. The petitioner is carrying on business in the name and style of M/s.A.Selvaraj Nadar and Sons in the non residential portion of the ground floor premises and carrying on business for the past 15 years by paying the agreed rent, amenity charges and electricity bill to TNEB. On 28.09.2023, the owners threatened the petitioner to vacate the premises, which lead to filing of the suit in OS.No.1235 of 2024 before the V Assistant City Civil Court, Chennai for permanent injunctions against the respondents 3 to 5. Thereafter, the petitioner received notice from the Chennai Corporation dated 20.09.2024 under Section 136 of the Tamil Nadu Urban Local Bodies Act, 1998 vide letter No.Z.O.V.C.No./2916/2024 dated 16.09.2024 directing the petitioner to vacate the premises within 30 days from the date of receipt, stating that the building is in dangerous condition posing a risk to both the occupants and the public failing which the same shall be demolished by the corporation and the costs incurred will be recoverable from the owner or occupier. Hence, the present writ petition.



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3. This Court by an order dated 14.03.2025, observed as follows :-

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“2.The learned counsel appearing for the respondents 3 to 5 submitted that they are ready and willing to refund the amount of Rs.22,00,000/- (Twenty Two Lakhs) paid by the petitioner as an advance amount and a sum of Rs.75,000/-towards the property tax, he seeks time to file affidavit to that effect in the next date of hearing.”

4. Pursuant to the order of this Court dated 14.03.2025, the respondents 3 to 5 have filed affidavit dated 26.03.2025, wherein it is stated as follows :-

“2. The respondents 3,4 and 5 undertake to repay the entire amount of Rs.22 lakhs plus Rs.75,000/-(Total Rs.22,75,000/- Rupees Twenty Two Lakhs Seventy Five Thousand only) stated to have been paid towards property taxes on or before 18/04/2025 upon the petitioner Mr.Antony Prabhakaran filing an affidavit of undertaking before this Hon'ble court giving a date for vacating and



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handing over of possession. The petitioner should also

undertake to withdraw the suit O.S.No.1235 of 2024

pending on the file of Hon'ble V Asst. City Civil Court

Chennai. This undertaking may also be given in the same

affidavit.”

5. This Court by an order dated 27.03.2025, directs the petitioner as follows,

the relevant portion is extracted hereunder :-

“3. Learned counsel appearing for the petitioner is directed to file an affidavit stating that he will withdraw the suit filed before the V Assistant City Civil Court Chennai, he will vacate the premises within a period of two months, i.e., from the date of receipt of 50% of the advance amount, on 18.04.2025, i.e., on 18.06.2025, after receiving the balance amount on the same date, on 18.06.2025.”

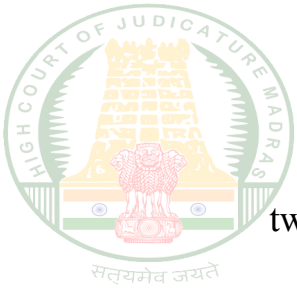


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6. Today, when the matter is taken up for hearing, the learned counsel for the petitioner filed an affidavit of the petitioner dated 05.04.2025, the relevant paragraph is extracted hereunder :-

“9. I state that this Hon'ble court vide its order dated 14.03.2025 has directed the respondents 3 to 5 to refund the amount of Rs.22,00,000/- paid by me as an advance amount and a sum of Rs.75,000/- towards the property tax. That pursuant to the order passed by this Hon'ble Court on 14.03.2025, learned counsel appearing for respondents 3 to 5 has filed an affidavit stating that they will repay the entire amount of Rs.22,00,000/- and a sum of Rs.75,000/- towards the property tax, totalling Rs. 22,75,000/- on or before 18.04.2025.

10. Thus, I undertake that I will withdraw the suit in O.S. 1235 of 2024 filed before the V Assistant City Civil Court, Chennai and that I will vacate the premises within a period of



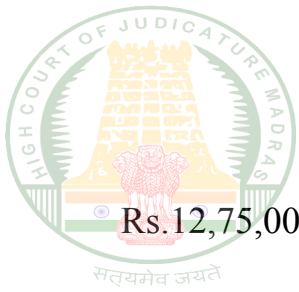
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two months from the date of receipt of 50% of the advance amount i.e., on 18.04.2025, and that I will vacate the premises on 18.06.2025 upon receiving the balance amount on the same date.

11. I further state that this Hon'ble Court on 15.11.2024 has passed a conditional order and directed me to deposit a sum of Rs. 10,00,000/- on or before 20.11.2024 to the credit of WP No. 34023 of 2024. Pursuant to the said order I have deposited a sum of Rs. 10,00,000/- vide Cheque bearing No.527162 drawn at Axis Bank, George Town, Chennai Branch in favour of The Registrar General, High Court, Madras.”

7. Today, the learned counsel for the respondents 3 to 5 submitted a demand draft dated 09.04.2025 drawn at State Bank Of India, Avadi branch in favour of the petitioner/Anthony Prabhakaran and the same is handed over to the learned counsel for the petitioner. The respondents 3 to 5 are directed to pay the balance amount of



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Rs.12,75,000/- payable to the petitioner on 18.06.2025, upon vacating the premises by the petitioner on the same date i.e., 18.06.2025.

8. The petitioner is hereby directed to approach the Registry for reimbursement/refund of Rs.10,00,000/- which has been deposited by him, pursuant to the order of this Court dated 15.11.2024. Registry is directed to refund the aforesaid amount of Rs.10,00,000/- to the petitioner, on receipt of any such request made by the petitioner on or after 25.06.2025, by filing necessary application/representation to the Registrar, High Court, Madras.

9. This writ petition is disposed of, with the above observations and directions.

No costs. Consequently, connected miscellaneous petition is closed.

**10. For reporting compliance, post on 30.06.2025.**

**16.04.2025**

Speaking order / Non-speaking order

Index : Yes / No



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Neutral Citation : Yes / No

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To

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3.The Registrar General  
High Court, Madras.



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**J. SATHYA NARAYANA PRASAD, J.**

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