

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2015

CORAM

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.P.No.10853 of 2015
and
M.P.No.1 of 2015

The Management of Vijayapuri Kammavar
Kalyana Mandapam,
represented by its Vice Chairman Mr.L.Chandrasekar,
S/o.Mr.Linga Naidu,
Door No.15 & 23, School Road,
K.S.Nagar, Kolathur,
Chennai-600 099. ... Petitioner

Vs.

- 1.The Secretary,
Urban Development Department,
Government of Tamil Nadu,
Fort St. George, Chennai-600 009.
- 2.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maligai,
Egmore, Chennai-600 008.
- 3.The Commissioner,
Corporation of Chennai,
Ripon Building, Chennai-600 008.
- 4.The Regional Deputy Commissioner (Central),
Town Planning Enforcement Region - Central,
Pulla Avenue, Shenoy Nagar,
Chennai-600 030.
- 5.The Superintending Engineer,
TP Enforcement Region - Central,
Pulla Avenue, Shenoy Nagar
Chennai-600 030.
- 6.The Executive Engineer,
TP Enforcement Region - Central,
Pulla Avenue, Shenoy Nagar
Chennai-600 030. ... Respondents

This writ petition is preferred under Article 226 of the Constitution of India praying for the issue of a writ of certioraified mandamus to call for the records of the fourth respondent in respect of the proceedings dated 22.12.2014 in Regional Central/TPENF/9463/2014 and quash the same as illegal and further forbear the respondents from taking any action in pursuance to the proceedings dated 22.12.2014 in Regional Central/TPENF/9463/2014 without complying with the orders of this court dated 4.2.2014 passed in W.P.No.6722 of 2004 and the order dated 13.10.2014 passed in W.P.No.27055 of 2014.

For Petitioner : Mr.P.S.Raman, Senior Counsel
for Mr.M.Stalin

For Respondents : Mr.P.S.Sivashanmugasundaram,
Spl.Government Pleader.
For R-1
Mr.K.Raja Srinivas for R-2
Mr.G.Anantharangan for R-3

ORDER

(The Order of the Court was made by SATISH K. AGNIHOTRI, J.)

The writ petitioner has come up with this writ petition, questioning the legality and validity of the order dated 22.12.2014 on the ground that firstly, the representation of the petitioner was not considered, secondly it is wrongly recorded that the petitioner has not turned up for enquiry on 13.10.2014 fixed by the authorities.

2. Thiru P.S.Raman, learned Senior counsel appearing for the petitioner would submit that the property in question was properly approved as per the proceedings dated 7.1.2003. This fact was not brought before this Court when this court disposed of W.P.No.6722 of 2004 by order dated 4.2.2014 granting liberty to the petitioner to submit a reply to the notice dated 3.2.2014. The petitioner had preferred a representation on 1.3.2014 and also subsequently on 31.10.2014, pointing out specifically that the subject building was granted completion certificate vide proceedings dated 7.1.2003 in letter No.EN3/32608/2002. The authorities, without advertng to all the issues / objections raised by the petitioner, had passed the impugned order, directing locking and sealing of the premises in question.

3. On the other hand, the learned counsel appearing for the Corporation would submit that the representation of the petitioner has been carefully examined and the impugned order was passed after proper application of mind.

4. Be that as it may, on perusal of the impugned order dated 22.12.2014, it is evident that the Regional Deputy Commissioner (Central), while passing the order of enforcement action, had not dealt with the objection or issues raised by the petitioner. It is now well settled that authorities, exercising quasi judicial power, must pass well informed reasoned order, indicating proper application of mind, which the instant impugned order lacks.

5. We are of the considered view that one more opportunity can be given to the authorities to reconsider the representations. Accordingly, an opportunity is given to the authorities to reconsider the representations, as aforestated, filed earlier, also examine all relevant documents and pass a reasoned order within a period of two weeks from the date of receipt of a copy of this order and take appropriate action consequent to the order to be passed by the fourth respondent. Accordingly, the present impugned order is set aside. The writ petition is allowed to the above extent. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

vvk

To

- 1.The Secretary,
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TP Enforcement Region - Central,
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6.The Executive Engineer,
TP Enforcement Region - Central,
Pulla Avenue, Shenoy Nagar
Chennai-600 030.

+1cc to Mr.M.Stalin, Advocate SR.No.21885

+1cc to Mr.K.Raja Srinivasan, Advocate SR.No.21861

1 CC to the Government Pleader SR NO 22092

W.P.No.10853 of 2015

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