

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2015

CORAM:

THE HONOURABLE MR. JUSTICE SATISH K. AGNIHOTRI
AND
THE HONOURABLE MR. JUSTICE M. VENUGOPAL

W.P. No.13590 of 2015
and
M.P. No.1 of 2015

N. Kannan

... Petitioner

Vs.

1. The Chennai Metropolitan Development Authority
represented by its Member Secretary
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008
2. The State of Tamil Nadu
represented by its Secretary
Housing and Urban Development Department
Fort St. George
Chennai 600 009
3. Ferdous Estates Pvt. Ltd.
Represented by its Managing Director Mr. Haneefa
No.26-27, Santhome High Road
Mylapore
Chennai 600 004

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus, calling for the records of the first respondent in proceeding letter no.EC/S-I/19237/2014 dated 21.04.2015, wherein, the first respondent had issued notice to the petitioner under Section 56(2)(iii) of the Tamil Nadu Town and Country Planning Act, 1971 and quash the same.

For petitioner : Mr.V. Subramanian
For R1 : Mr. K. Raja Shrinivas
Standing Counsel
For R2 : Mr. N. Sakthivel
Government Advocate

ORDER

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

The petitioner, an occupier of the premises in question as a resident, feeling aggrieved by the de-occupation notice dated 21.04.2015 issued by the first respondent - Chennai Metropolitan Development Authority, under Section 56(2)(iii) of the Tamil Nadu Town and Country Planning Act, 1971, has come up with the instant writ petition, seeking a limited relief of extension of time, to comply with the notice impugned by vacating the premises in question.

2. Mr. K. Raja Shrinivas, learned Standing Counsel, accepts notice for the first respondent. Mr. N. Sakthivel, learned Government Advocate, accepts notice for the second respondent. Considering the nature of relief sought by the petitioner, there is no need to issue notice to the third respondent. Thus, with the consent of the learned counsel for the petitioner, the learned Standing Counsel appearing for the first respondent and the learned Government Advocate appearing for the second respondent, the writ petition is taken up for final disposal, at the admission stage itself.

3. According to the learned counsel for the petitioner, the petitioner is residing with his family in the premises in question. Hence, he needs some more time to vacate the premises and hand over the same to the authority in compliance of the impugned de-occupation notice dated 21.04.2015.

4. Having considered all aspects of the matter, we grant further 30 days time to the petitioner, from the date of expiry of time granted by the authorities to remove the unauthorisedly constructed portion with immediate effect and restore the building in compliance with the plan sanctioned by Chennai Metropolitan Development Authority within 30 days, to de-occupy / vacate the premises, subject to the petitioner giving an undertaking to the first respondent that the petitioner accepts the order impugned

herein and would vacate and hand over the premises, without creating any encumbrance or third party interest in the premises, within a period of one week from the date of receipt of a copy of this order.

5. The writ petition stands disposed of with the above directions. No costs. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

cad

To

1. The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Egmore, Chennai 600 008
2. The Secretary
Housing and Urban Development Department
State of Tamil Nadu
Fort St. George
Chennai 600 009

+1cc to Mr.K.Raja Shrinivas, Advocate, S.R.No.24585
+1cc to Mr.V.Subramanian, Advocate, S.R.No.24097
+1cc to the Government Pleader, S.R.No.24729

W.P. No.13590 of 2015

PVR(CO)
CA(04/05/2015)

सत्यमेव जयते

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