

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.05.2015

CORAM

THE HONOURABLE DR.JUSTICE S.TAMILVANAN
AND
THE HONOURABLE MR.JUSTICE S.MANIKUMAR

W.P.No.14142 of 2015
and M.P. No.1 of 2015

Sri Chenna Malleswarar and Sri Chenna
Kesava Perumal Devasthanam,
Rep. by its Hereditary Trustee,
Mr.Dr.R.Srinivasan, M.D.S.,
Devaraja Mudali Street,
Chennai-600 003. .. Petitioner

Vs.

1. The Commissioner,
Corporation of Chennai,
Chennai-600 003.
2. The Assistant Commissioner,
Zone V, Corporation of Chennai,
Chennai-600 003.
3. The Executive Engineer,
D.P.RTC (North),
Chennai Corporation,
Division 49, Unit 14, Mandalam 5,
Chennai-600 003.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorari to call for the records of the Assistant Commissioner, Zone V, Corporation of Chennai, Chennai-600 003, the second respondent herein pertaining to his impugned letter No.DN-59/89/2015 dated 19.01.2015 and to quash the same.

For Petitioner : Mr.D.Selvam for
Mr.S.D.Ramalingam
For Respondents : Mr.V.C.Selvasekaran

O R D E R

(Order of the Court was made by S.Tamilvanan, J)

By consent on either side, the writ petition is taken up for final disposal at the admission stage itself.

2.The writ petition has been filed by the petitioner for issuance of a writ of Certiorari challenging the impugned order No.DN-59/89/2015 dated 19.01.2015, passed by the Assistant Commissioner/the second respondent herein.

3.Learned counsel for the petitioner submits that earlier the building was modified by collecting donation from the worshipers of the deity and got permission from the HR & CE department and the said documents are not available. Further, as per Section 79 of the Tamil Nadu Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972 as amended in Act 22 of 1974), appeal provision is available. Hence, the petitioner could have preferred an appeal, since the order has been passed under Section 49 of the said Act. Even if there is a delay, the petitioner could satisfy by explaining the same and could get appropriate orders.

4.On the aforesaid circumstances, we permit the petitioner to file an appeal before the Appellate Authority and to get remedy according to law.

5.With the above observation, the writ petition is disposed of permitting the petitioner to file an appeal within a period of 10 days from the date of receipt of a copy of this order and the first respondent is directed to dispose of the same, according to law, within a period of eight weeks thereafter. Consequently, connected miscellaneous petition is closed. No costs.

vga/kal

Sd/-
Assistant Registrar

//True Copy//

Sub-Assistant Registrar

To

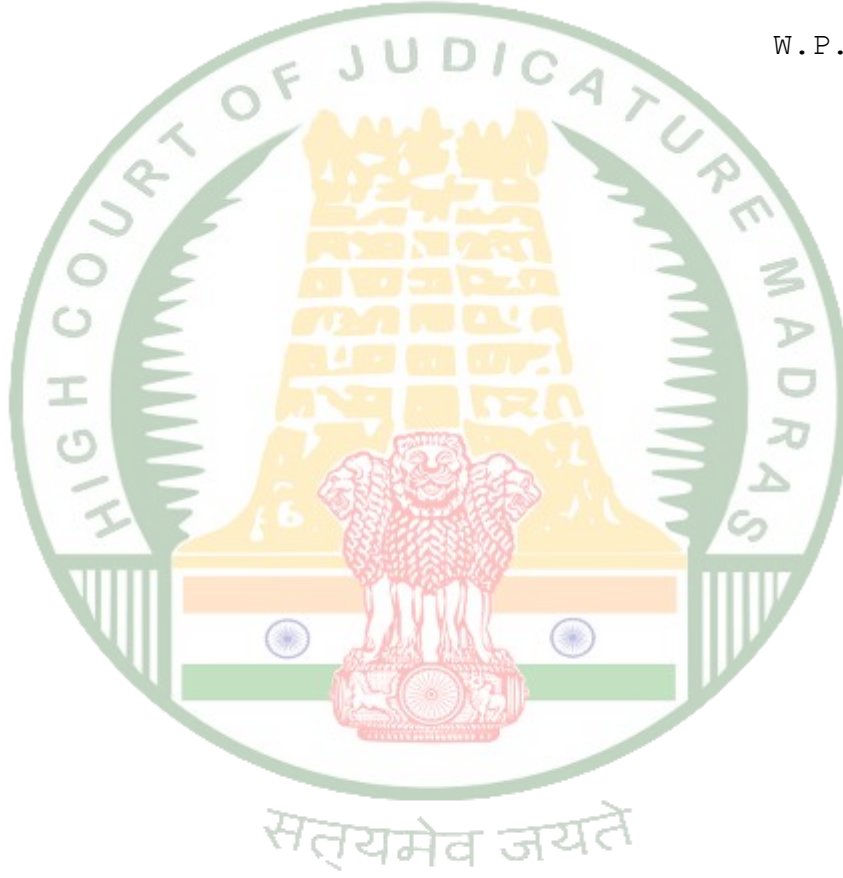
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+ 1 cc to Mr.S.D.Ramalingam, Advocate SR 24915

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