

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.05.2015

CORAM

THE HON'BLE Mr. JUSTICE R.SUBBIAH
and
THE HON'BLE Mr. JUSTICE K.RAVICHANDRABAABU

W.P.Nos.14404 and 14405 of 2015
and

M.P.Nos.1 and 1 of 2015

R.Santhosam rep. By Power of Attorney
R.K.Kumar ... Petitioner in
both the W.Ps

Vs

1.The Commissioner,
Chennai City Municipal Corporation,
Ripon Buildings,
Chennai - 3.

2.The Regional Deputy Commissioner (Central),
Chennai City Municipal Corporation,
Ripon Buildings, Chennai - 3.

3.The Executive Engineer, Zone VII,
Chennai City Municipal Corporation,
Ambattur, Chennai - 53.

.. Respondents in
both the W.Ps

Petitions filed under Article 226 of The Constitution of India
praying for the issuance of a writ of certiorari to call for the
records of the second respondent with respect to his notice to the
petitioner dated 30.03.2015 in Zone VII/C Nos.2553/E1/2015 and
2554/E1/2015 on his file and quash the same.

For Petitioner .. Ms.Hema Sampath, Sr. Counsel
for Ms.R.Meenal in both the W.Ps

For Respondents .. Mr.V.C.Selvasekaran
in both the W.Ps

COMMON ORDER

(Order of the Court was made by R.SUBBIAH, J.)

These writ petitions have been filed for the issuance of a writ of certiorari to call for the records on the file of the second respondent pertaining to the notice dated 30.03.2015 in Zone VII/C Nos.2553/E1/2015 and 2554/E1/2015 and quash the same.

2.It is the case of the petitioner that her property is standing in Survey No.452pt & 453pt at Door No.452, Mogappair Village, Ambattur Taluk, Chennai - 37. She is in possession and enjoyment of the said property from the date of purchase since 2006. While so, the petitioner received notices dated 30.03.2015 signed by the second respondent on 13.04.2015, issued under Section 220 r/w 222 of the Chennai City Municipal Corporation Act, 1990, stating that the said land on which the petitioner's building stands was classified as Eri Scheme Corporation Park Land and it had been gifted by EE, Tamil Nadu Housing Board on 05.08.2004 and the encroachment made by the petitioner to an extent of 600 sq. ft. was illegal and thus, the petitioner was asked to remove the structure within 15 days. On receipt of the said notices, the petitioner made several attempts to meet the authorities to explain her legal right over the property but she was not given an opportunity. The main contention of the petitioner is that without calling for any explanation from the petitioner, directly, these notices were issued, asking the petitioner to remove the structure. Hence she has come forward with the present writ petitions.

3.Heard Ms.Hema Sampath, learned senior counsel appearing for the petitioner and Mr.V.C.Selvasekaran, learned counsel for the respondents.

4.In view of the submissions made by the learned senior counsel for the petitioner, this Court is constrained to pass the following order:

"The notices dated 30.03.2015, which were issued to the petitioner, directing her to remove the alleged encroachment, are hereby directed to be treated as show cause notices and the petitioner is directed to give her explanation within a period of two weeks from the date of receipt of a copy of this order. On receipt of such explanation, the second respondent is directed to pass appropriate orders on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner."

5.The writ petitions are disposed of accordingly. No costs.
Consequently connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

mmi

To

- 1.The Commissioner,
Chennai City Municipal Corporation,
Ripon Buildings,
Chennai - 3.
- 2.The Regional Deputy Commissioner (Central),
Chennai City Municipal Corporation,
Ripon Buildings, Chennai - 3.
- 3.The Executive Engineer, Zone VII,
Chennai City Municipal Corporation,
Ambattur, Chennai - 53.

2 ccs to M/s. R. Meenal, Advocate, sr. 25081, 25082

W.P.Nos.14404 and
14405 of 2015

MG (CO)
kk 20/5

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