

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14/7/2015

C O R A M

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

W.P. No.14969 of 2015

and

M.P. No.1 of 2015

Mrs.Anita Jain

... Petitioner

Vs

1. The Commissioner
Corporation of Chennai
Ribbon Buildings
Chennai 600 003.

2. The Executive Engineer
Corporation of Chennai
Enforcement RDC (North) Office
Zone - V
Chennai 600 021.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari to call for the entire records on the file of the second respondent herein relating to the second respondent's impugned notice in Lr.No./Enf/D54/023/2015 dated 10/4/2015 and quash the same as illegal.

For petitioner : Mr.B.Ganeshamoorthy
For respondents : Mr. A.Nagarajan

सत्यमेव जयते
O R D E R

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

The petitioner, stated to be a lawful owner of the property in question at No.1, Rathinam Street, Kondithope, Chennai, has come up with this petition, questioning the legality of the impugned notice/Locking & Sealing and Demolition notice dated 10/4/2015, issued by the Corporation of Chennai, under Section 57 read with Section 85 of the Town and Country Planning Act, 1971.

2. According to the learned counsel for the petitioner, the petitioner with her son viz., Ronak,P had purchased the property under sale deed dated 16th July, 2010. The impugned notice was issued to one Ms.N.Rama Devi and as such, the said notice cannot be made effective for want of proper service. It transpires that during the pendency of this petition, fresh notice has been issued on 9th June, 2015 to the petitioner. Thus, the petitioner may be granted sometime to put forward her case before the authorities.

3. Recording the submission made by the learned counsel for the petitioner that fresh notice dated 9th June, 2015 for Locking & Sealing and Demolition Notice has been issued, we grant two weeks time to the petitioner to make representation/explanation, if any. Thereafter, the authorities are at liberty to take necessary action, in accordance with law, on its own merits. Such an exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

4. This writ petition is disposed of accordingly. No costs. Connected M.P.No.1 of 2015 is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mvs
To

1. The Commissioner
Corporation of Chennai
Ribbon Buildings
Chennai 600 003.
2. The Executive Engineer
Corporation of Chennai
Enforcement RDC (North) Office
Zone - V, Chennai 600 021.

+1cc to Mr.A.Nagarajan, Advocate, S.R.No.35536
+1cc to Mr.B.Ganeshamoorthy, Advocate, S.R.No.35534

W.P. No.14969 of 2015

SR(CO)
CA(28/07/2015)