

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-06-2015

CORAM:

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

W.P. No.15125 of 2015

R. Dhanapal

... Petitioner

Vs.

1. Regional Joint Commissioner (South),
(Enforcement Cell),
Corporation of Chennai,
Adyar, Chennai.20.
2. Executive Engineer,
O/o Regional Joint Commissioner (South),
(Enforcement Cell),
Corporation of Chennai,
Adyar, Chennai.20.
3. The Chairman,
Tamil Nadu Housing Board,
Nandanam, Chennai.35.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorarified Mandamus calling for the records pertaining to locking and Notice Lr.No.39/180/2014, dated 11.3.2014 and the consequent notice No.10466, dated 21.04.2015 on the file of the respondents 1 and 2, quash the same and also direct the respondents 1 and 2 to ratify and approve the building plan submitted by the petitioner herein in the year 1981 to the Chief Planner of the 3rd respondent in respect of the premises bearing Door Old No.122 New No.106 Dr. Muthulakshmi Salai (Lattice Bridge Road), Thiruvanmiyur, Chennai.41.

For Petitioner : Mr. R. Venkatesh
for
M/s. Usha Raman

For respondents : Mr. A. Nagarajan - R1 & R2
Mr. V. Anandhamurthy - R3

ORDER

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

With the consent of the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents, this writ petition is taken up for final disposal.

2. The petitioner has come up with this writ petition questioning the legality and validity of the de-occupation notice dated 21.04.2015 and also the previous locking and sealing notice dated 11.03.2014.

3. The main contention of the petitioner is that the property in question was allotted to him by the Tamil Nadu Housing Board thirty years back. The petitioner has obtained proper approval and sanction for the entire construction.

4. Be that as it may, the petitioner was informed by notice dated 08.11.2013 calling for production of approved plan. Thereafter, again, the petitioner was informed after a period of four months by locking, sealing and demolition notice dated 11.03.2014. However, it is stated that after the impugned notice dated 23.04.2015, the petitioner has submitted an explanation dated 30.04.2015 enclosing all the relevant documents including the approved plan.

5. In that view of the matter, the authorities are directed to consider the said explanation and also the documents produced by the petitioner before taking any consequential action pursuant to the impugned notice dated 21.04.2015. Further, we make it clear that till the disposal of the above said representation, the respondents shall not take any coercive steps against the petitioner.

6. This writ petition stands disposed of accordingly. No costs. M.P.No.1 of 2015 is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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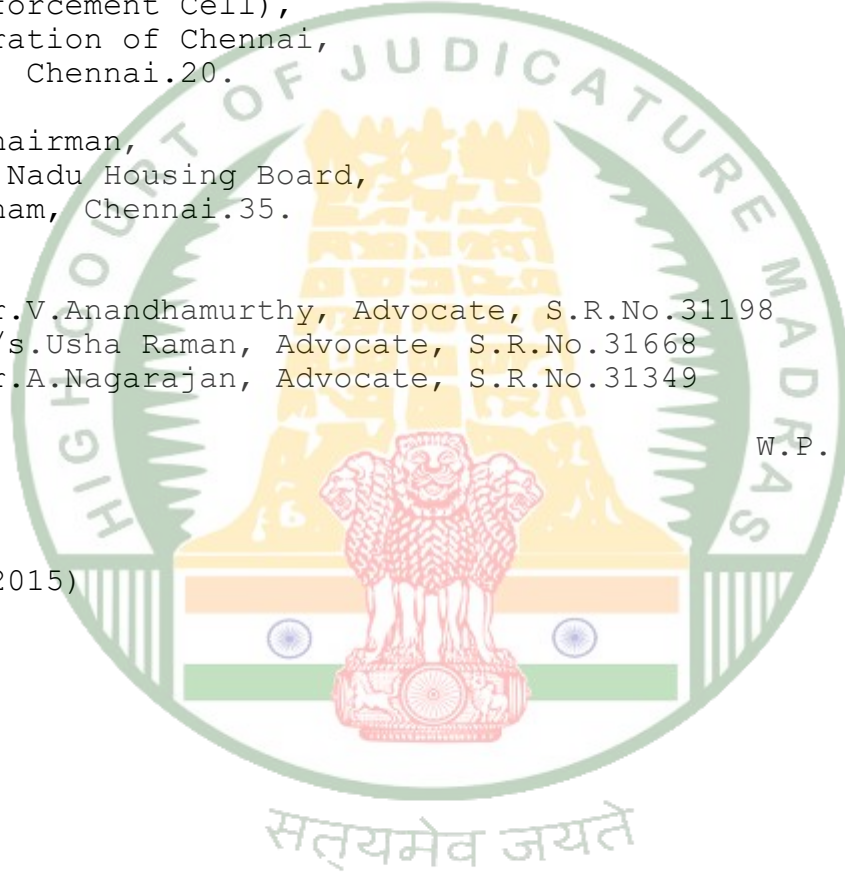
To

1. Regional Joint Commissioner (South),
(Enforcement Cell),
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Adyar, Chennai.20.
2. Executive Engineer,
O/o Regional Joint Commissioner (South),
(Enforcement Cell),
Corporation of Chennai,
Adyar, Chennai.20.
3. The Chairman,
Tamil Nadu Housing Board,
Nandanam, Chennai.35.

+1cc to Mr.V.Anandhamurthy, Advocate, S.R.No.31198
+1cc to M/s.Usha Raman, Advocate, S.R.No.31668
+1cc to Mr.A.Nagarajan, Advocate, S.R.No.31349

W.P. No.15125 of 2015

KSJ(CO)
CA(06/07/2015)



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