

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI

and

THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.16931 of 2015 and M.P. No.1 of 2015

V. Balusamy

Petitioner

vs.

1 The Commissioner
Corporation of Chennai
Ripon Buildings
Chennai 600 003

2 The Executive Engineer - Enforcement
Regional Office - Central
Corporation of Chennai
II Cross Street - East
Pullah Avenue, Shenoy Nagar
Chennai 600 030

3 The Executive Engineer
Tamil Nadu Housing Board
Anna Nagar Division
Chennai 600 101

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari calling for the records pertaining to the notice no.REGIONCENTRAL/TPENF/0709/2015 dated 10.06.2015 issued by the second respondent and quash the same.

For petitioner Mr. K.S. Viswanathan

For RR 1 & 2 Mr. A. Nagarajan, Standing Counsel

For R3 Mr. V. Anandhamurthy, Standing Counsel

ORDER

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

Mr. A. Nagarajan, learned Standing Counsel, accepts notice for respondents 1 and 2. Mr. V. Anandhamurthy, learned Standing Counsel,

accepts notice for the third respondent. With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal, at the admission stage itself.

2 This writ petition is filed assailing the notice dated 10.06.2015 issued by the second respondent under Sections 56 and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971, whereby and whereunder, the petitioner has been directed to produce a copy of the approved plan.

3 The prime grievance of the petitioner is that in the impugned notice, only three days' time has been granted by the authorities for production of approved plan.

4 In fact, the land in question was allotted by the Tamil Nadu Housing Board. The Housing Board constructs houses after proper approval. Even the said construction is provisional in nature and as such, it does not fall within the definition of illegal construction. The petitioner seeks some more time for production of the approved plan and also to make a proper representation pursuant to the notice dated 10.06.2015.

5 At this stage, no further adjudication is required. We, however, deem it fit and proper to grant 15 days' time to the petitioner to produce the approved plan before the authorities. Thereafter, the authorities are at liberty to take a decision on merits and in accordance with law.

6 The writ petition stands disposed of with the aforesaid observation. Costs made easy. Connected Miscellaneous Petition is closed.

Cad

-sd/-

Assistant Registrar

/ TRUE COPY /

Sub-Assistant Registrar

To

1 The Commissioner
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+1 C.C. To MR.A.NAGARAJAN, Advocate in Sr.No.28951

+1 C.C. To MR.V.SUTHAKAR, Advocate in Sr.No.29217

+1 C.C. To MR.V.ANANDHA MURTHY, in Sr.No.29198

W.P. No.16931 of 2015

SR(CO)
sd : 01/07/2015



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