

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18/6/2015

C O R A M

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.17275 of 2015
and
M.P. Nos.1 and 2 of 2015

Dr.V.Ravi Dakshminamoorthy ... Petitioner

Vs

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

2. The Executive Engineer
Zone X, Ward No.N-132
Corporation of Chennai
Kodambakkam
Chennai.

3. The Assistant Executive Engineer
Zone No.X Ward No.N-132
Corporation of Chennai
Kodambakkam
Chennai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorarified Mandamus to call for the records relating to the impugned notice dated 19/5/2014 in Ref.Notice No.D/132/AE/001/2015 issued by the second respondent herein and to quash the same and consequently forbear the respondents 1 to 3 from taking any coercive action of demolishing/locking/sealing the petitioner's building property situated in No.27/10, 2nd Floor, 9th Avenue, 45th Street, Ashok Nagar, Chennai 600 083, measuring to an extent of 1 ground and 400 Sq.feet.

For petitioner : Mr. H.S.Mohamed Rafi

For respondents :Mr.A.Nagarajan

O R D E R

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

Assailing the legality and validity of the locking, sealing and demolition notice dated 19/5/2014, the petitioner has come up with this writ petition.

2. According to the learned counsel for the petitioner, the petitioner has constructed a temporary structure and as such, the aforesaid notice is not legal and proper.

3. We have carefully examined the pleadings and documents appended thereto. On perusal of the above said notice, we find that the said stop work notice/notice calling for approved plan No.D132/001/2012 was issued on 11/12/2012. Thereafter, it is evident that, no response was filed or no action was taken on behalf of the petitioner. Again, the petitioner was informed by the Deputy Area Engineer 31, Area X, Chennai Metro Water, Chennai, vide communication dated 10/7/2014, that he had failed to provide/maintain the Rain Water Harvesting structure in the building and as such, he was required to do the needful within seven days. Thereafter, we do not find any endeavour on the part of the petitioner in response to the aforesaid notice and communication either to make representation to respondents or take requisite steps to make good the defects. Thus, it would clearly show that the petitioner has no regard for law.

4. The contention of the petitioner that he was engaged in some other important work outside the Country has to be rejected and the same cannot be a ground for the purpose of unauthorised or unapproved construction.

5. Accordingly, the writ petition is dismissed, reserving liberty to the petitioner to take recourse to the appropriate forum that may be available under the provisions of law. Consequently, M.P. Nos. 1 and 2 of 2015 are dismissed. No costs.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

mvs/ra

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To

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Kodambakkam
Chennai.

1 cc to Mr.A.Nagarajan, Advocate, sr. 29955

1 cc to MR.H.S. Mohammed Rathi, Advocate, sr. 29880

W.P. No.17275 of 2015

CNR (CO)
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