

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI

and

THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.34506 of 2014

G. Murugesan

Petitioner

vs.

- 1 The Commissioner
Chennai Corporation
Ripon Building
Chennai 600 003
- 2 The Executive Engineer
Regional Joint Commissioner (South)
(Enforcement Cell)
Adyar
Chennai 600 020
- 3 The Assistant Executive Engineer
Unit 39
Zone XIII
Chennai Corporation
Adyar, Chennai 600 020

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the second respondent to dispose of the petitioner's representation made on 18.12.2014 and regularise the Petitioners premises bearing Door No.64A, L.B. Road, Thiruvanmiyur, Chennai 600 041.

For petitioner Mr. G. Ranganathan
For respondents Mr. K. Soundararajan

ORDER

This writ petition is filed seeking a writ of mandamus directing the second respondent to dispose of the petitioner's representation made on 18.12.2014 and regularise the premises bearing Door No.64A, L.B. Road, Thiruvanmiyur, Chennai 600 041.

2 The facts of the case, as projected by the petitioner, are that he is the owner of the property bearing Door No.64A comprised in S.No.120/4B in Thiruvanmiyur Village in a total extent of 1,148 sq. ft. and plinth area to an extent of 500 sq. ft.

The said building was constructed by his father in the year 1990 for both business and commercial purposes. The petitioner had put up a shop in an extent of 15' length and 8' breadth in a total extent of 120 sq. ft. It is his further case that he has received the Deoccupation Notice dated 10.12.2014 issued by the second respondent under Sections 56 (2-A) and 57 read with Section 85 of the Tamil Nadu Town and Country Planning Act, 1971 (for short "the Act").

3 However, the aforesaid Deoccupation Notice is not put to challenge. It appears that the petitioner, after the receipt of the Deoccupation Notice, has made an application for regularisation on 17.12.2014 and a representation on 18.12.2014 purportedly under Section 113-C of the Act. By this writ petition, the petitioner seeks a direction to the authorities to consider his application for regularisation of the alleged illegal construction.

4 Such a direction cannot be issued. Once the petitioner has been served with Deoccupation Notice under Sections 56 (2-A) and 57 read with Section 85 of the Act, he is required to take steps as per the notice or to question the legality of the said notice under the relevant provision of law. The petitioner has not indicated in his affidavit as to what action has been taken by him pursuant to the Deoccupation Notice dated 10.12.2014. Thus, at this stage, we are not inclined to issue any direction to the authorities to consider the petitioner's representation dated 18.12.2014 for regularisation.

5 As a sequel, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

cad

To

1

The Commissioner
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Chennai 600 003

2

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