

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 05.01.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K.AGNIHOTRI,
AND
THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P.No. 35010 of 2014

M. Sri Krishna

.. Petitioner

vs.

1. The Commissioner,
Corporation of Chennai,
Ripon Buildings, Chennai.
2. The Executive Engineer,
Corporation of Chennai,
Zonal Office III,
Ripon Buildings, Chennai.
3. The Member Secretary,
Chennai Metropolitan Development Authority,
Gandhi Irwin Road, Egmore, Chennai.8.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents 1 and 2 or their subordinate officials from taking any further action in pursuance to the notice in letter No.Division No.22/07/1/2014 dated 22.12.2014 issued by the 2nd respondent in respect of property situated at Door No.148/33 Pillaiyar Koil Street, Puzhal, Chennai pending the final determination of the petitioners application dated 1.12.2014 for post facto approved before the 3rd respondent.

For Petitioner

: Mr.K.V. Subramanian
Sr. Counsel for

Mr. S.P. Sudalaiyandi

For Respondents

: Mr. V. Selvasekaran - R1 & R2
Mr. C. Johnson - R3

ORDER

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

Being aggrieved by the letter No. Division No.22/07/1/2014, dated 22.12.2014, issued by the Executive Engineer, Zone III of the Corporation of Chennai, whereunder, the petitioner was called upon to restore the land to its condition within 30 days from the date of

receipt of the notice, failing which, it was indicated that consequential action will be taken under sub Section 4 of Section 57 of the Town and Country Planning Act 1971 as amended by Act 61 of 2008, the petitioner has preferred this writ petition on the ground that pursuant to the notice dated 20.12.2014 under Sections 56 and 57 of the Town and Country Planning Act, the petitioner has made a representation dated 21.12.2014 stating therein that an application has been made to the CMDA for regularising the existing building on 3.12.2014. Before taking any decision on his application dated 3.12.2014, locking and sealing and demolition notice dated 22.12.2014 has been issued.

2. Contention of the learned counsel for the petitioner is that the third respondent may be directed to consider his application for regularisation of the premises in question in accordance with law and on its own merits before locking and sealing and demolishing the premises in question.

3. Mr. Johnson, learned counsel appearing for the third respondent submits that the pending application for regularisation will be considered in accordance with law and the decision will be taken within a period of four weeks. It is further stated by Mr.V.Selvasekaran, learned counsel appearing for the Corporation of Chennai that the representation dated 21.12.2014 will be examined within the same time.

4. In view of the foregoing, without expressing any opinion on the merits of the case, we deem it just and proper to direct the respondents to take a decision on the application dated 03.12.2014 made to the third respondent and also the representation dated 21.12.2014 made to the respondents 1 and 2, and pass appropriate orders on its own merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. The notice dated 22.12.2014 shall not be given effect to till the aforestated decision is taken by the respondents. This writ petition is disposed of accordingly. Consequently, M.P. No. 1 of 2014 is closed. No costs.

ra

-s/d-

Assistant Registrar(CS-III)

Dt:9/1/2015

True Copy

Sub-Assitant Registrar

To

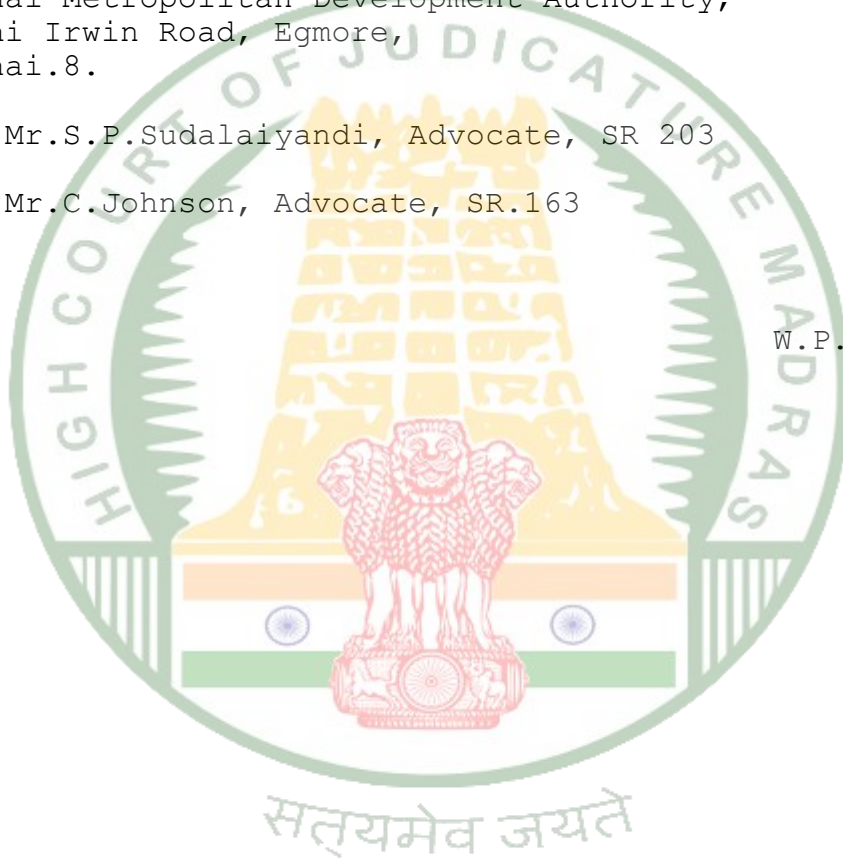
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+ 1 cc to Mr.S.P.Sudalaiyandi, Advocate, SR 203

+ 1 cc to Mr.C.Johnson, Advocate, SR.163

tej(co)
prk19/1

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