

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22/7/2015

C O R A M

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI

AND

THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.P. No.22013 of 2015

and

M.P.No.1 of 2015

R. Arumugham Petitioner

Vs.

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

2. The Executive Engineer - Zone XIII
Enforcement Cell
Corporation of Chennai
Adyar
Chennai 600 020.

..... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari calling for the entire records relating to the impugned notice dated 11/5/2015 made in Notice No.140/2015 of the second respondent and quash the same.

For petitioner Mr.V.Sivalingam
for M/s.Siva Associates

For respondents Mr.R.Arunmozhi

O R D E R

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

Mr.R.Arunmozhi takes notice on behalf of the respondents. With the consent of the learned counsel on either side, the writ petition

is taken up for final disposal at the admission stage itself.

2. Impugning the Locking and Sealing Notice, issued under Section 57 of the Town and Country Planning Act, 1971, the petitioner has come up with this petition.

3. According to the learned counsel for the petitioner, the petitioner has not made any unauthorized construction. The petitioner is permitted to make construction upto 40 square metre and as such, the impugned notice is unauthorized and illegal.

4. On examination of the documents annexed herein and also on a perusal of the impugned notice, it is noticed that the Stop Work Notice dated 6th March, 2015 was served on the petitioner. Thereafter, one more notice was sent, on the basis of site inspection made by the authorities, calling upon the petitioner to produce a copy of the approved plan in original for verification and if the construction was in deviation to the approved plan, the petitioner was directed to stop the work immediately and confirm in writing. The petitioner again ignored the said notice and it appears proceed with the construction. Ultimately, without their being any response from the petitioner, the impugned notice was issued, again calling upon him to produce the sanctioned plan within thirty days from the date of the said notice. Without complying with the requirement, the petitioner has come up with this petition, questioning the legality and validity of the said notice.

5. We have examined the notice and also the earlier notices sent by the authority. We are of the considered view that the notices are just and proper and in accordance with law and as such, no interference is warranted. The petitioner is given thirty days time to produce the sanctioned plan. Accordingly, the petitioner is at liberty to produce the sanctioned plan and also to make the representation, putting forward his case, explaining that there is no unauthorized construction, if so advised, within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the respondents are at liberty to take consequential action, as per law, within a period of two weeks.

6. The writ petition stands disposed of with the above direction. No costs. Connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

mvs.

To

1.The Commissioner
Corporation of Chennai
Rippon Building, Chennai-3

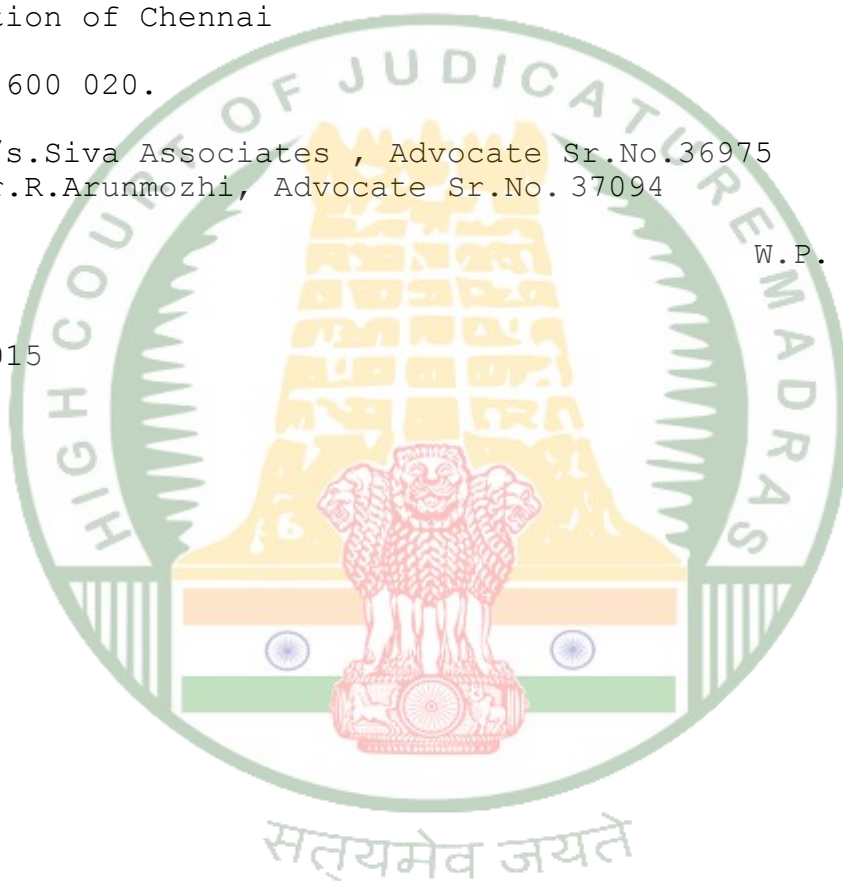
2.The Executive Engineer - Zone XIII
Enforcement Cell
Corporation of Chennai
Adyar
Chennai 600 020.

1 cc to M/s.Siva Associates , Advocate Sr.No.36975

1 cc to Mr.R.Arunmozhi, Advocate Sr.No. 37094

W.P. No.22013 of 2015

gj (co)
pmk.7.8.2015



WEB COPY